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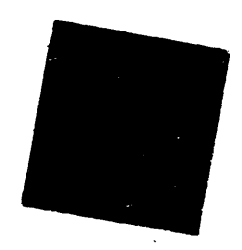
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EASTERN

F.O.
371

1947



PALESTINE

File No. 4987

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Reference:-

FO 371 / 61931

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UNTIL

1978

61931

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E 4987

PALESTINE

Registry Number E4987/4987/31

FROM

No.

Dated

Received in Registry

C.O.
Board.
11. FEB. 1947

Administration of Palestine under Mandate.
Related to 1117 of 10/11. 4/10. States
has not been called 'The Political History
of Palestine under British Administration'
and no official comment, suggesting
substantial alterations.

Last Paper.

(Minutes.)

References.

I have pointed out to the C.O. that
the Scott memorandum contains certain
reflections on the Arab character which it
would be very embarrassing if published.
But these references could easily be toned
down.

(Print.)

61931

(How disposed of.)

Mr Chavory
Washington
July 2.

Tel) Washington 7156
Rptd) U.K. Tel. New York
2160
16 July.
8) C.O. 26 July

(Action completed.)

(Index.)

[Handwritten signatures and initials]

Next Paper.

E5401

See now C.O.'s reply.
H33.196
Mr Beeley to see

July 17/6

9a P. P. B.O. tel	1317	20/6.
-	1246	13/6
- P'stored tel	1198	25/6.
-	1212	24/6.
-	1228	26/6
- C.O. tel	1424	1/7.
-	1423	1/7.
- P'stored tel	1272	4/7
- C.O. tel	1484	9/7
-	1488	9/7
- P'stored tel	1331	15/7

Wt 24772/717 17855 10/28 F.O.P.

P.S.O.

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INWARD TELEGRAM

E 4987

Cypher (O.T.P.)

FROM PALESTINE (General Sir A. Cunningham) -

TO S. OF S., COLONIES.

D.10th June, 1947.

R.10th " " 03.40 hrs.

MOST IMMEDIATE

No. 1117 Top Secret and Personal.

Begins.

I have read the draft memorandum entitled "The Political History of Palestine under British Administration" brought back by Macgillivray, and offer the following comments, in case it is not too late to make substantial alterations. I assume that the purposes of the memorandum are firstly to give an account of the political difficulties encountered by His Majesty's Government in the Administration of the Mandate and of the efforts which they have made to solve them and secondly to give an outline of the social and economic progress of the people of Palestine under British Administration in spite of these difficulties. I feel that these two purposes are not effectively achieved by (group omitted ?bringing) into political history paragraphs dealing with the social and economic progress and development of public services. These paragraphs break the sequence and destroy the force of the political narrative and, at the same time, give a very inadequate picture of the administrative achievements of the Palestine Government. As it stands, the draft ends in the air with no conclusion on the lines that, in spite of the political difficulties the last 27 years in Palestine have seen social and economic development of the country unparalleled in progressive history. In view of the importance of this memorandum and of the publicity it will receive, I suggest that it should be recast so as to deal concisely, but adequately, with the second purpose in a separate section, which should also include some reference to the discharge of our responsibility for the Holy Places. Material for this

section/

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section is all to be found in the survey. I had hoped that this memorandum would be ready for the Committee at the beginning of its deliberations, as I consider it only fair to the officers of the Government who have to give evidence that the Committee should first be made cognisant of our difficulties in working the Mandate. But since it now cannot be available for some time if you see no objection, I propose to furnish the Committee with Scott's Memorandum on the Administration of Palestine Under the Mandate, in addition to supplementary volume of the survey, which I hope will be ready next week.

2. I would find it helpful if you could give me some indication as to what type of evidence you expect this Government to give, and it has occurred to me that it would (group omitted & avoid) possible awkwardness if I were in a position to tell the Committee, at the start, on what subjects we were empowered to answer questions, and what not e.g. higher policy of His Majesty's Government such as our future intentions regarding this country. It appears that the intention of the Committee is to take further evidence at Geneva and presumably it would be possible for a representative of His Majesty's Government to give evidence on higher policy there, if required. Question of military evidence comes in a special category and I would be glad of guidance as to whether strength of forces is to be disclosed, if asked for, and what attitude to take regarding other military questions which would not normally be disclosed to foreign powers.

3. With reference to your telegram No. 1193, I do not wish to raise any objection to a procedure whereby the Committee will seek the comments of the Jewish Agency and the Arab Higher Committee on any written evidence submitted by this Government but I shall insist that any oral evidence given by Government officers is given in camera. Macgillivray informed me that he understood from Sir Alexander Cadogan that he thought that the Assembly would be unlikely to deal with the Palestine question before November and even that it might not be possible to deal with it at all at the September session, in which case a special session might be called in January or February 1948. I need hardly tell you that I am gravely disturbed by these possibilities and urge that everything be done to bring forward the question at the earliest possible

moment./

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INWARD TELEGRAM

moment. It is now clear that U.N.O. resolution calling for cessation of violence has had practically no effect on the dissidents here who will react as before to deportations and death sentences. Therefore, there appears little chance of getting this country back to more normal conditions except as result of a U.N.O. decision and it is unnecessary for me to repeat again to you the essential need that the present critical situation here should be terminated at the earliest possible moment. Delay can only mean further deterioration. Ends.

Distributed to:-

M.S.25
Secretary of State
Sir T. Lloyd
Mr. I. Thomas
Mr. Martin
Sir D. Harris
Mr. Trafford Smith
Mr. Mathieson
Mr. Higham
Mr. Bennett
Mr. Eastwood
Mr. Bigg
Miss Boyd
Mr. Poynton
Foreign Office
" "

- Mr. C.W. Baxter.
- Mr. I.P. Garraan.

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75872/154A/47

Cypher (O.T.P.)

OUTWARD TELEGRAM

4987 4987 11

TO PALESTINE (Gen. Sir A. Cunningham)

FROM S. OF S., COLONIES.

Sent 13th June, 1947. 17.30 hrs.

IMMEDIATE
No. 1246 Secret.

INDEXED

Memorandum for United Nations Committee.

Following amendments are suggested additional to those already indicated to MacGillivray.

Paragraph 113 line 10 for "drafted" substitute "under consideration".

Paragraph 117 lines 7 and 8 read "approximately 100 allotted to meet statutory obligations, while the balance is divided equally between relatives of Palestinian residents etc."

Paragraph 119 insert at beginning of paragraph "During the early months of 1945 security conditions generally were better than for some time past. A declaration in May by Irgun Zvei Leumi, that V-Day for the world would be D-Day for them was however the prelude to a series of outrages of increasing scope and intensity, culminating in a country-wide attack on communications on the 16th June, 1946. Damage caused by terrorist action on the 10th, 16th and 17th June was estimated at £300,000. Orders were then given to implement plans directed against the whole network of illegal armed organisations. Action included the arrest of a number of Jewish leaders, some of them members of the Executive of the Jewish Agency, who were known to have been personally implicated in the organisation of acts of violence in Palestine. (Add footnote referring to Command 6873)."

Paragraph 120 might begin with the second sentence of paragraph 119 in draft, amended to read "on the 22nd July the campaign conducted by the terrorist organisations reached a new climax etc." First sentence of paragraph 120 in draft could then run on, beginning "later terrorist activities have included the kidnapping etc."

Paragraph 124, line 8 for "who receive a sufficient minimum of education" substitute "attending school".

Paragraph 126 line 2 for "proceed in Palestine along the lines indicated" substitute "give full effect to the policy set out".

Paragraph 140 and 153 for "Arab Higher Committee" substitute "Arab Higher Executive".

Paragraph 141 line 3 for "were represented" substitute "had accepted the invitations".

Paragraph 145 first line omit "democratic".

/2.

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OUTWARD TELEGRAM

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Keep with pp
WJ 23/6

75872/154A/47

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Cypher (O.T.P.)

TO PALESTINE (General Sir A. Cunningham)

FROM S. OF S., COLONIES.

Sent 20th June, 1947. 22.15 hrs.

IMMEDIATE

INDEXED

No.1317 Secret.

My telegram No.1246 paragraph 4.

Foreign Office have intimated concurrence in draft memorandum for United Nations Committee. Subject therefore to results of checking in Palestine and to consideration here of any amendments of substance you may wish to suggest it is now ready for submission to committee.

2. Following errata have no doubt been detected. In paragraph 125 line 5 1943 should be 1940. In line 9 for £14,638,000 substitute £8,718,000. Suggest also substitution of "strong" for "strongest" in paragraph 127.

Distributed to:-

Foreign Office
" "

- Mr. C.W. Baxter.
- Mr. H. Beeley.

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AMENDED COPY (Corrections & underlined)
Cypher (U.T.P.)

INWARD TELEGRAM

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13

FROM PALESTINE (Gen. Sir A. Cunningham)

TO S. OF S., COLONIES.

D. 23rd June, 1947.

R. 23rd " " 23.15 hrs.

INDEXED

IMPORTANT
No. 1198 Secret.

Your telegrams Nos. 1246 and 1317.

I suggest the following amendments to draft paragraphs 112 to 124 inclusive of His Majesty's Government's Memorandum for the United Nations Special Committee on Palestine.

Paragraph 113.

(a) Add the following at the end of the second sentence

" except, where certain specified conditions obtain, with permission of the High Commissioner".

(b) Reword the last sentence to read "these Regulations gave effect to the Land Clause of the 1939 White Paper". Regulations under consideration to replace defective protection of cultivators' legislation were not altogether similar in intention and scope.

Paragraph 114.

(a) Reword third and fourth lines as follows:-

"The 75,000 certificates had not all been utilised; this was due to difficulties in the way of escape from Hitler's Europe". The objection is to the words "it was found".

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(b) in seventh and eleventh insert the word "Jewish" before "immigration".

Paragraph 115.

✓ Add at the end "against overall White Paper quotas for 75,000". *lower than to more dignified expressed?*

Paragraph 116.

✓ Line 1 for "31st January" read "30th January".

✓ Line 2 for "the quotas" substitute "the interim quota".

Paragraph 117.

✓ Last three lines to read "approximately 100 allotted to meet statutory obligations and to cover illegal immigrants in Palestine not previously debited to quotas, while balance is divided equally between relatives of Palestinian residents and etc.".

Paragraph 118.

✓ Substitute the following for ~~"the last sentence"~~ "the outrages perpetrated by the Stern group and Irgun Zvai Leumi were condemned by official spokesman of the Jewish community".

Paragraph 119.

✓ (a) Second sentence begins "A² declaration" by Irgun Zvai Leumi to the effect that V-Day....."

✓ (b) Add at the end of the second sentence "in which Hagana played a principal part".

Paragraph 120.

✓ Substitute the following:

"On 22nd July, the campaign conducted by the terrorist organisations reached a new climax with an explosion which wrecked a wing of the King David Hotel in /Jerusalem

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Jerusalem, containing offices of the Government Secretariat as well as part of the Military Headquarters, and killed 86 public servants, Arabs, Jewish and British, as well as 5 members of the public. Later terrorists activities have included the kidnapping of a British Judge and of British Officers, sabotage of the railway system and of oil installations at Haifa, and the blowing up of a British Officers' Club in Jerusalem with considerable loss of life. In order that protection of the country might proceed unhampered by terrorist reprisals against the British Community, as threatened, non-essential British civilians and military families were evacuated from Palestine and the remaining members of British Community were concentrated in security zones at the beginning of February, 1947. In the same rebellion "Statutory Martial Law" was imposed for a limited period on an area of Lydda District comprising Tel Aviv (with religious quarters of Jaffa), Ramat Gan, Bnei Braq and Petah Tikvah, as well as on an area of Jerusalem predominantly inhabited by Jews.

Paragraph 121.

Substitute as follows:-

"The war gave rise to inflationary conditions in Palestine. The volume of currency in circulation increased from £(P)5,509,134 at the end of 1938 to £(P)48,438,141 at the end of 1945. Public revenue for the year 1946-47 reached the figure of £(P)25,429,000. Imports and exports in 1946 totalled £(P)70,431,829 and £(P)24,484,872 respectively".

Paragraph 123.

- (a) First sentence to read "The total settled population of Palestine is now approximately 1,687,000, the Jews being estimated at 625,000".
- (b) Insert in brackets after "1937 to 1946" in line 3 the words "including illegal immigrants debited to quotas".
- (c) Add at the foot of figures "Total for the 10 years' period - 103,680".

Paragraph 124.

Line 23 to read "citrus growing area in Arab hands has been maintained at rather more than 50 per cent".
/Compare

Handwritten notes:
Total for the 10 years' period - 103,680.

Handwritten note:
Summary 376

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Compare with last sentence of paragraph 23.

Comments on other paragraphs follow.

*Corrections received 24/6

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Cypher (O.T.P.)

-1 JUL 1947

FROM PALESTINE (Gen. Sir A. Cunningham)TO S. OF S. COLONIES.D. 24th June, 1947.
R. 24th " " 23.05 hrs.IMPORTANT
No. 1212 Secret

My telegram No. 1198.

Following are further comments on H.K.
Government's Memorandum.

Paragraph 26.

In the penultimate line, add the words "by
private enterprise" after "plantation".

Paragraph 28.

Omit the last sentence, since it is inconsistent
with paragraph 34.

Paragraph 29.

Last line to read "that of Arab population
alongside which it was to grow".

Paragraph 30.

Substitute "this decade" for "these years"
at the end of the paragraph, the latter words being
ambiguous.

/Paragraph

*not accurate.
Samuel, 7
p. 17.**Taken
from
Samuel's
report p. 13*

✓

✓

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12
Paragraph 31.

✓ In line 2, substitute "650,000 dunams" for "500,000 dunams".

Paragraph 56.

? Omit from "writing seven years later" to the end of the paragraph. This quotation from the Royal Commission's Report does not appear to be in point here.

Paragraph 60.

✓ Line 6, substitute "more than equalled" for "almost equalled" and in line 7 for "eleven per cent" read "thirteen per cent".

✓ Paragraph 63.

Line 6, for "1936" read "1935".

Paragraph 65.

✓ Last half of the second line to read "already there were signs of rural congestion".

Paragraph 66.

Last sentence to read as follows:-

✓ "These discrepancies were due principally to inequalities in standards of living, but also in some degree to the fact that Arabs had no(t)".

Paragraph 80.

✓ Line 3, for "1936" read "1937".

✓ Paragraph 82. (? insert omitted) "under the Defence Regulations" after the words "District Commissioners".

Paragraph 116.

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Paragraph 116. With reference to the figure of 13,989 illegal Jewish immigrants, insert the following footnote:-

"This figure includes 1,014 immigrants from Europe who arrived on board FEDE and FENICE in May, 1946 and received certificates on arrival, in addition to 2,250 immigrants detained in Cyprus and subsequently admitted to Palestine on certificates against quota".

Why?

Paragraph 125.

(a) Reword lines 11 and 12 as follows:-

*convey the
essence*

"The economic future of Palestine, while not wholly, or even largely, dependent on economic relations with the Arab States, must to some extent be influenced by the degree to which she can maintain....."

(b) Substitute the following for the last two sentences:-

"Mainly from this cause, and partly on account of the re-opening of pre-war trade routes, Palestine's exports to independent Arab countries declined in 1946 to approximately 55% of their value in previous years, while imports into Palestine from Arab countries increased 10% in 1946 as compared with imports in 1945. However, total export trade, which had steadily expanded since 1941, showed a further increase in 1946, owing largely to recovery of market for citrus".

Paragraph 127.

Substitute "August" for "July".

*with this
insert*

Paragraph 129.

Add after words "and recommend" in line 22, "The revocation of the Land Transfer Regulations of 1940 and".

Paragraph 13.

Insert the following sentence before the last sentence of quotation:-

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"It is also gratifying that report envisages carrying out of large scale economic development projects in Palestine, which would facilitate further immigration and be of benefit to the entire population". Without this the quotation might be regarded as unfair.

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Restricted.
Open.

Telegram. Washington

No. 7156

(Date) July 16

Repeat to :-

U.K. Del.,
New York.
2160

~~En-Clair~~
Code
Cypher.

Distribution :-

Dept. no. 1

Copies to :-

C.O.

OUT FILE

F. O.,

21

1947

Despatched

M.

Important

Eastern Department's letter to you of 2nd July, on evidence to be presented by H.M.G. to United Nations Committee on Palestine.

The memorandum will be given to the Committee on the 17th July, and will be distributed to the press at the same time with a release stop until 17.00 G.M.T. on the 18th. Parallel arrangements are being made here.

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2. Copies were sent to you and to Sir A. Badogian by air from Jerusalem on the 10th July. I hope these will arrive in time. ~~It has been necessary for the High Commissioner~~ to the necessity of fixing so early a date arises from the Committee's decision to leave Palestine on the 20th.

[Copy sent to the Secretariat]
H.B. 17/7

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Have added agreement to
aff. as discussed. *2027*

23

INWARD TELEGRAM

Cypher (O.T.P.)

4987 / 4987 / (?)

FROM PALESTINE (Gen. Sir A. Cunningham)

TO S. OF S., COLONIES.

D. 26th June, 1947.

R. 26th " " 22.30 hrs.

IMPORTANT
No. 1228 Secret.

My telegram No. 1212.

H.M. Government's Memorandum.

It is desirable that the figures given in paragraphs 28, 67 and 124 of Arab children attending school (which it is already apparent is a subject to which considerable attention will be paid by a number of members of the Committee) should be cited in such a way that development over the whole period covered by the Memorandum can be readily compared. The percentages given on page 639 and again on page 716 of the Survey are of Arab children between the ages of 5 and 10 who received some period of elementary education. It is, I consider, preferable throughout the Memorandum to give, in respect of the whole Arab population (both Moslem and Christian), the percentage of children in the school age population 5 to 14 who attend school. These are percentages which have been cited in the revised Scott Memorandum and, to avoid confusing the Committee, it is preferable that there should be uniformity in the two Memoranda.

2. I propose therefore, amendment of the Memorandum as follows:-

Paragraph 28, substitutes the following:-

"During the first school year (1920-21) following establishment of Civil Administration, there were 171 Public Arab Schools 11,000 pupils, representing 7% of the Arab children of school age (i.e. of 5 to 14 years). In two years these figures were raised to 311 Schools and 20,000 pupils and the percentage rose to 12, although the majority of pupils did not remain at school for the full 10 year period".

/Paragraph 67

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New York and Middle East Posts date of publication decided. You will no doubt arrange, through your Public Information Office, by agreement with the Committee, to give suitable local publicity to the document.

3. Please advise me immediately if you consider that the procedure outlined above is unlikely to permit submission of the document before 20th July, on which date I understand Committee intend to leave Palestine. I have assumed that there will be no disadvantage in the document being submitted to them at a late stage in their stay in Palestine but I should welcome your advice on this point.

Copies sent to:-

Foreign Office

Mr. H. Beeley.

RECEIVED IN O 3
2 JUL 1947
SENT TO DEP .

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OUTWARD TELEGRAM

Enter 27

75872/154A/47

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Cypher (O.T.P.)

TO PALESTINE (General Sir A. Cunningham)

FROM S. OF S., COLONIES.

Sent 1st July, 1947. 08.00 hrs.

IMMEDIATE

No.1424 Secret.

INDEXED

My immediately preceding telegram.

Following are our comments.

(A). Your telegram No. 1198.

Paragraph 113. The amendment (b) would omit an important point. We suggest the passage should run as follows:- "These regulations gave effect to the land clauses of the 1939 White Paper. It is to be noted, however, that similar regulations had been drafted before that statement of policy was prepared, with the object of replacing earlier and defective legislation for the protection of cultivators."

Paragraph 115. We should prefer to word this: "an equivalent number being deducted from the quota provided for in the White Paper".

Paragraph 120. Last sentence of your redraft begins: "In the same rebellion", and phrase in brackets begins "With religious quarters". These are presumably errors in transmission.

Paragraph 123. If the total is added here, it should also be added for the sake of uniformity in paragraphs 50 and 59.

Paragraph 124./

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Paragraph 124. As amended, this is not accurate (see Survey, page 336). We suggest: "Area in Arab hands, after falling below 50% in the early thirties, has again risen above that proportion".

(B). Your telegram No. 1212.

Paragraph 26. The figure of 4 - 5 million seems to include Government as well as private planting (See "Report of High Commissioner on Administration of Palestine, 1920-1925", page 17).

(C). Your telegram No. 1228. I agree to amendments on Arab education.

Copies sent to:-

Foreign Office

- Mr. H. Beeley.

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OUT FILE

29

Foreign Office, S.W.1.

2nd July, 1947.

Dear Chancery,

In addition to the evidence which is being submitted by the Palestine Government to the United Nations Committee now in Palestine, His Majesty's Government intend to present them with a memorandum summarising the political history of Palestine under the Mandate. This memorandum relies largely on quotations from official documents, and aims at making clear the difficulties inherent in the Mandate with which the Mandatory Power has been faced during the past 25 years.

2. The memorandum is being printed in Jerusalem, and will probably be presented to the Committee before they leave Palestine. The Colonial Office have asked the High Commissioner to send you 100 copies by airmail as soon as they are available. He has also been asked to send 10 copies to the U.K. Delegation, New York.

3. We are making arrangements to synchronize our publicity here with the submission of the memorandum to the Committee in Jerusalem. It will not actually be presented, therefore, until copies have been received in London. We wish also to include you and the Delegation in New York in these arrangements, and the submission of the memorandum will, if possible, be held up by Jerusalem until/

The Chancery,
British Embassy,
Washington.

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RECEIVED IN C.B.
2 JUL 1947
SENT TO DEP..

until they learn that you have also received your copies. Please therefore let us know by immediate telegram, repeated to Jerusalem, as soon as your copies arrive. You will then be informed of the date and time at which the memorandum will be handed to the Committee.

4. We are sending a copy of this letter to the U.K. Delegation, New York.

Yours ever,

EASTERN DEPARTMENT

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OUTWARD TELEGRAM

F *Enters* 32

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75872/154A/47

Cypher (O.T.P.)

10 JUL 1947

TO PALESTINE (General Sir A. Cunningham)

FROM S. OF S. COLONIES.

Sent 8th July, 1947. 22.00 hrs.

IMMEDIATE

No.1484 Secret.

INDEXED

Following for MacGillivray from Martin. Begins.

Your letter of 1st July regarding H.M.G.'s memorandum received this morning 8th July. Presumably memorandum has been printed today as forecast in High Commissioner's telegram No.1272. Quotations referred to in paragraph 7 of your letter are now being checked and I will telegraph tomorrow if amendments slip is required. We have no other alterations to suggest.

2. We agree that memorandum should be submitted under draft letter enclosed with your letter of 1st July. Machinery for distribution suggested in your letter is approved subject to modification in accordance with instructions in S. of S.'s telegram No.1423. Agree that Colonial Governors would probably welcome a copy.

3. We will make similar arrangements here for confidential briefing of selected correspondents on day of formal presentation to Committee. We agree that translation is unnecessary unless local demand makes it desirable. Ends.

Distributed to:-
Foreign Office

- Mr. H. Beeley.

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OUTWARD TELEGRAM

33

75872/154A/47

Cypher (O.T.P.)

4987 4987 31

INDEXED

TO PALESTINE (Gen. Sir A. Cunningham)

FROM S. OF S., COLONIES.

Sent 9th July, 1947. 17.00 hrs.

MOST IMMEDIATE
No. 1488 Secret.

My telegram No. 1484. Following for MacGillivray
from Martin. Begins.

Quotations have now been checked and are found
accurate. Apart from obvious printer's errors we have
noticed the following:

- (a) paragraph 24 penultimate line "these" should
be "three".
- (b) paragraph 85: quotation is broken by phrase
in large type which is, in fact, part of
quotation.
- (c) paragraph 147: O.E.D. prefers letter "s" in
"superseding".

Ends.

Copy sent to:-

Foreign Office - Mr. Beeley.

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p.w.

INWARD TELEGRAM

AMENDED COPY (Amendment at ², previously shown as Code)

² Cypher (O.T.P.)

FROM PALESTINE (Gen. Sir A. Cunningham)

TO S. OF S., COLONIES.

D. 15th July, 1947.

R. 15th " " 12.55 hrs.

IMMEDIATE

No. 1331 Secret.

Your telegram No. 1423.

Copies of H.M. Government's Memorandum were sent to you, Washington, New York and Middle East Foreign Office posts by air under savingsgrams on 10th July. You will no doubt have received your copies by now, but copies may not reach America before the end of this week. It is, however, desirable in my view that the memorandum should be presented to the Committee before they leave Palestine on 20th July. I suggest, therefore, that the date of publication be fixed now without waiting for notification of arrival of copies in Washington. I propose that the document be presented to the Committee on Thursday 17th July at 20.00 hours G.M.T. and copies handed to Press representatives at the same time with release stop until (± 1700) hours G.M.T. Friday 18th July.

± Confirmation being obtained.

Copies sent to:-

Foreign Office - Mr. H. Bealey.

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OUTWARD TELEGRAM

35

Entire

75372/154A/47

Cypher (O. T. P.)

4987/4987/21

15 JUL 1947

INDEXED

TO PALESTINE (Gen. Sir A. Cunningham)

FROM S. OF S. COLONIES.

Sent 15th July, 1947. 20.30 hrs.

IMMEDIATE

No. 1545 Secret.

Your telegram No. 1331.

H.M. Government's Memorandum for
U.K.S.C.O.F.

I agree that document be presented to
Committee on Thursday 17th July at 2000 hours G.M.T.
and that you should make copies available to Press
in Palestine at same time with release stop as
suggested. I shall make similar arrangements with
Press here. I have arranged for Washington and New
York to be informed of action proposed. Grateful if
you would inform Middle East Posts.

Copy sent to:-

Foreign Office

- Mr. Rooley.

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C.O. Ref
75842/15A



E 5401

23

CON

Downing Street,
S.W.1.

19th June, 1947.

Dear Baxter,

You will remember that in his telegram No. 1117 of 10th June, the High Commissioner for Palestine mentioned MacGillivray's report that Cadogan had suggested that the United Nations Assembly might be unlikely to deal with the Palestine question before November and even that it might not be possible to deal with it at all at the September session, in which case a special session might be called in January or February, 1948. Sir Alan Cunningham indicated how gravely disturbed he was by these possibilities and urged that everything should be done to bring forward the question at the earliest possible moment, since delay could only mean further deterioration in the critical situation existing in Palestine.

In replying (in his top secret and personal telegram of 12th June) my Secretary of State said that, of course, he entirely agreed regarding the extreme importance of an early decision and said that, if the report of the Fact-Finding Committee were ready in time, it was the definite intention that it should be taken at the September session and H.M.G. would certainly press for such action. Mr. Creech Jones added that the most effective single step that could be taken at this stage to that end would be for the High Commissioner himself to impress upon the Chairman of the Committee the need for expedition and for the presentation of the Committee's report by the due date.

If you see no objection we think it might be as well if you could warn Cadogan of the very strong feeling in /Palestine

C. W. BAXTER, ESQ., C.M.G., M.C.

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Reference:-

FO

371 / 61931

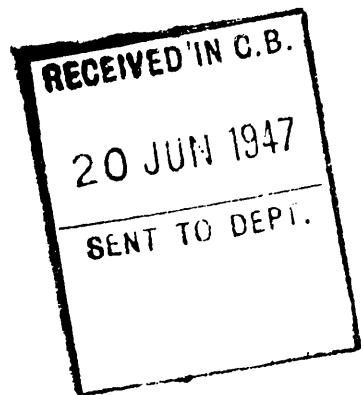
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38 A

Palestine on this point. I need not say how anxious my Secretary of State is too that the present almost intolerable situation in Palestine should be brought to an end with the least possible delay. There are limits to what can be asked of the forbearance of the troops and of the civilian administration, of whose extremely uncomfortable living conditions (confined to defended areas and with their families evacuated) you are well aware.

I understand that Martin has already discussed the matter with Beeley, who expressed the view that there was no reason to suppose that the Committee's report would not be available by the 1st September.

Yours sincerely,
C. M. Cathersin



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No.E 5401/4987/31

Top Secret.
Secret.
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Restricted.
Open.

OUT FILE

FOREIGN OFFICE, S.W. 1.

39

June, 1947

Despatched. 6 - 6 M.

[Palestine]

Draft.
U.K. Delegation,
NEW YORK

Telegram. 1945AV;
No. Saving
(Date)

Repeat to:
JERUSALEM

[Handwritten signature]

Cypher

Distribution:-
Departmental
No. 2.

U.N. Dept. first

Copies to:-
Colonial Office.

25/6

The High Commissioner for Palestine is gravely disturbed by your fear, reported to him by MacGillivray, that the United Nations Assembly might not deal with the Palestine question before November, and even that Palestine might not be dealt with at all at the autumn meeting of the Assembly, which might necessitate another Special Session in the New Year. High Commissioner urges that everything possible be done to bring forward discussion by Assembly at the earliest possible moment, as delay can only mean further deterioration in local situation.

2. Presumably your views were based on uncertainty when Committee would be ready with its report, and the Colonial Secretary has asked the High Commissioner to impress upon the Chairman of the Committee the need for expedition in its work. I hope that you will make clear to all concerned as occasion arises the corresponding necessity for expediting consideration of the Committee's report when received.

MB

27/vi

NOTHING TO BE WRITTEN IN THIS MARGIN.

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5401/4987/51.

DEPARTMENTAL NO. 2

in plain by Confidential bag.

FROM FOREIGN OFFICE TO NEW YORK.

(To Permanent United Kingdom Representative to the United Nations).

No. 194 Saving.

27th June 1947.

Repeated to Jerusalem.

O:O:O:O

[Palestine].

The High Commissioner for Palestine is gravely disturbed by your fear, reported to him by MacGillivray, that the United Nations Assembly might not deal with the Palestine question before November, and even that Palestine might not be dealt with at all at the autumn meeting of the Assembly, which might necessitate another Special Session in the New Year. The High Commissioner urges that everything possible be done to bring forward discussion by Assembly at the earliest possible moment, as delay can only mean further deterioration in local situation.

2. Presumably your views were based on uncertainty when Committee would be ready with its report, and the Colonial Secretary has asked the High Commissioner to impress upon the Chairman of the Committee the need for expedition in its work. I hope that you will make clear to all concerned as occasion arises the corresponding necessity for expediting consideration of the Committee's report when received.

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1947

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E 5625

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PALESTINE

CON

Registry Number } E 5625/4987/31.
 FROM }
 No. } F.O.
 Dated } minute
 Received in Registry } M. Bealey
 24 April
 28 April

Political History of Palestine.
Transmits ... giving complete
Political History of Palestine.

Last Paper.

5401

(Minutes.)

References.

4987/4987/31.

H.B. 28/6

(Print.)

(How disposed of.)

(Action completed.)

J.C. 30/6

(Index.)

[Signature]
7/9/48

Next Paper.

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Mr. Baxter

Attached are the first ~~few~~ sections of the draft political history of Palestine. I am afraid that, owing to the early date at which the Special Assembly was convened, I have not had as much time as I had expected and will have to finish the writing on my return. I have another two sections almost complete, and will try to send them to you by bag. They will carry the narrative down to the outbreak of the Arab Rebellion in 1936. The succeeding sections should, I think, deal with:

Outline of events during the Arab Rebellion, 1936.

Analysis of the Peel and Woodhead Reports.

Analysis of the White Paper of 1939.

Palestine during and since the war.

Anglo-American Committee of Enquiry and the Brook-Grady conversations.

The London Conference, 1946-7, and the decision to refer to the United Nations.

C.O. have two copies.

H. Beeley

H. Beeley
24th April, 1947.

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28. JUN

Nothing to be Written in this Margin.

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The Political History of Palestine under
British Administration.

Establishment of British Administration.

1. The territory now known as Palestine formed part of the Ottoman Empire until it was occupied, in 1917-18, by British forces under the command of General Allenby. A military administration, under the title of Occupied Enemy Territory Administration, was established with headquarters in Jerusalem at the end of 1917.

2. It was decided at the Paris Peace Conference in 1919 that the mandates system, outlined in Article 22 of the Covenant of the League of Nations, should be applied to the non-Turkish portions of the Ottoman Empire. The mandate for Palestine was assigned to the United Kingdom by the Supreme Council of the Allied Powers at San Remo on the 25th April, 1920. Shortly afterwards, on the 1st July, 1920, the military régime was replaced by a civil administration under a High Commissioner. The northern frontier of Palestine was determined in accordance with an Anglo-French Convention of the 23rd December, 1920, and its eastern frontier by virtue of the recognition in 1923 of the existence of an independent Government in Transjordan.

The Mandate

3. The terms of the draft mandate for Palestine were approved by the Council of the League of Nations on the 24th July 1922. At that time peace had not been concluded between the Allied Powers and Turkey. It was ^{not} until the 29th September, 1923, after the Treaty of Lausanne had entered into force, that the Council of the League was able formally to give effect to the Palestine mandate.

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4. The principal obligations of the mandatory Power are defined in Article 2 of the Mandate, which reads as follows:

"The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion."

This Article appears to give equal weight to three obligations:

- (i) the creation of conditions which would secure the establishment of the Jewish national home;
- (ii) the creation of conditions which would secure the development of self-governing institutions;
- and (iii) the safeguarding of the civil and religious rights of all the inhabitants.

5. Article 2, in speaking of the Jewish national home, refers back to the preamble, where the terms of the Balfour Declaration of 1917 are recited as follows:

"Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

6. The preamble continues immediately with a statement which is not to be found in the Balfour Declaration:

/ "Whereas

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"Whereas recognition has thereby been given to the historical connexion of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country."

7. Article 6 of the Mandate defines more precisely certain of the Mandatory's obligations arising from the intention of establishing a Jewish national home in Palestine. At the same time this Article repeats in broader terms the condition that the interests of the non-Jewish population should also be considered. Article 6 reads as follows:

"The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in cooperation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes."

Attitude of Arabs and Jews.

8. When the first census was taken in 1922, Palestine had a population of 752,000. The Jewish community, already growing as a result of immigration, then numbered 84,000. The census, which was taken on a religious basis, consequently did not provide an exact enumeration of the Arab population as such. It is clear however that it amounted to about 650,000.

9. It was already apparent, when the mandate entered into force, that the interests of the Arab majority and those of the Jewish minority would be difficult to reconcile. The first formal enquiry into the political attitudes and aspirations of the local population was undertaken in 1919 by the American King-Crane Commission, sent by President Wilson to study conditions in the Turkish Empire with reference to possible mandates. Reporting on the situation in Palestine, they said:

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"The Peace Conference should not shut its eyes to the fact that the anti-Zionist feeling in Palestine and Syria is intense and not lightly to be flouted. No British officer, consulted by the Commissioners, believed that the Zionist programme could be carried out except by force of arms."

10. In April 1920, five Jews were killed and over two hundred injured in the first outbreak of anti-Zionist Arab violence. A military committee of enquiry (the civil administration was not then established) found that the causes of the outbreak were: (a) the disappointment of the Arabs at the non-fulfilment of the promises of independence which they claimed had been given to them during the war of 1914-18; (b) the belief of the Arabs that the Balfour Declaration implied a denial of the right of self-determination, and their fear that the establishment of the Jewish national home would mean a great increase in Jewish immigration and would lead to their economic and political subjection to the Jews; and (c) the aggravation of these sentiments, on the one hand by propaganda from outside Palestine associated with the proclamation in Damascus of the Emir Feisal as King of a re-united Syria and with the growth of pan-Arab and pan-Moslem ideas, and on the other hand by the activities of a Zionist Commission which was then in Palestine, supported by the resources and influence of Jews throughout the world.

11. A year later, in May 1921, more serious attacks were made by Arabs on the Jews of Jaffa and of five rural settlements. On this occasion 47 Jews were killed and 146 wounded. A Commission of Enquiry, headed by Sir Thomas Haycraft, reached the conclusion that:

"The fundamental cause of the Jaffa riots and the subsequent acts of violence was a feeling among the Arabs of discontent with, and hostility to, the Jews, due to political and economic causes, and connected with Jewish immigration, and

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with their conception of Zionist policy as derived from Jewish exponents."

12. Foremost among the exponents of Zionism at that time was Dr. Weizmann. When a Zionist delegation appeared at the Peace Conference in 1919, the American Secretary of State (Mr. Lansing) asked them exactly what was meant by the phrase, a Jewish national home. Dr. Weizmann answered him as follows:

"The Zionist organisation did not want an autonomous Jewish Government, but merely to establish in Palestine, under a mandatory Power, an administration, not necessarily Jewish, which would render it possible to send into Palestine 70 to 80,000 Jews annually. The Zionist Association would require to have permission at the same time to build Jewish schools, where Hebrew would be taught, and in that way to build up gradually a nationality which would be as Jewish as the French nation was French and the British nation British. Later on, when the Jews formed the large majority, they would be ripe to establish such a Government as would answer to the state of the development of the country and to their ideals."

13. The King-Crane Commission, touring Palestine later in the same year, found that the Jewish colonists were similarly looking ahead to a radical transformation of the country:

"The fact came out repeatedly in the Commission's conference with Jewish representatives, that the Zionists looked forward to a practically complete dispossession of the present non-Jewish inhabitants of Palestine, by various forms of purchase".

The White Paper of 1922.

14. In view of these and other expressions of Zionist ~~ambition~~ ^{aims}, and of the mounting evidence of Arab apprehension,

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the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognised to rest upon ancient historic connexion.

"This, then, is the interpretation which His Majesty's Government place upon the Declaration of 1917, and, so understood, the Secretary of State is of opinion that it does not contain or imply anything which need cause either alarm to the Arab population of Palestine or disappointment to the Jews.

"For the fulfilment of this policy it is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. This immigration cannot be so great in volume as to exceed whatever may be the economic absorptive capacity of the country at the time to absorb new arrivals."

15. The Zionist Organisation assured His Majesty's Government that their activities would be conducted in conformity with the policy laid down in the statement of June 1922. The reception given to that statement by the Arabs was bound up with their attitude in discussions which were proceeding at the time on the subject of self-governing institutions.

The First Attempt to Create Self-Governing Institutions, 1922-23.

16. Shortly after the establishment of the civil administration, the High Commissioner had formed a nominated Advisory Council, consisting of 10 British officials and 10 Palestinians (4 Moslem Arabs, 3 Christian Arabs and 3 Jews). Two years later, in August 1922, an Order-in-Council was issued providing for the creation of a Legislative Council. This body was to consist of the High Commissioner and 22 other members, 10 official and 12 elected; of the elected members, 8 were to be Moslems, 2 Christians and 2 Jews.

17. A draft of this Order-in-Council had previously been communicated to a Palestine Arab Delegation in London. The

/ Delegation

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the case, it is quite clear that the creation at this stage of a national Government would preclude the fulfilment of the pledge made by the British Government to the Jewish people. It follows that the Principal Allied Powers, concerned as they were to ensure the fulfilment of a policy adopted before the Covenant was drafted, were well advised in applying to Palestine a somewhat different interpretation of paragraph 4 of Article 22 of the Covenant than was applied to the neighbouring countries of Iraq and Syria."

19. This passage in the letter of the Colonial Office was characterised by the Arab Delegation as

"the strongest proof that the Jewish National Home undertaking is the cause of depriving us of our natural right of establishing an independent government the same as Mesopotania and the Hedjaz."

They also concluded from it that

"self-government will be granted as soon as the Jewish people in Palestine are sufficiently able through numbers and powers to benefit to the full by self-government, and not before."

20. Despite the unfavourable reception given by the Arabs to the proposal for a Legislative Council, elections were held early in 1923. The Arab leaders organised a boycott of the primary elections, with the result that only 107 Moslem secondary electors were chosen out of a possible total of 663, and only 19 Christians out of 59. The elections had failed in their object of producing an accurate reflection of the opinion of the whole population. They were therefore annulled by an amending Order-in-Council of May, 1923, under which the High Commissioner was temporarily to retain a nominated Advisory Council.

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had hoped to pursue:

"The British Government desired to establish a self-government in Palestine, but to proceed in this direction by stages..... It had been announced that the nominated Advisory Council was to be the first stage. The second stage would have been a Legislative Council without an Arab majority. If this worked satisfactorily, the third stage, after a lapse of perhaps some years, would have been a constitution on more democratic lines." In practice it proved impossible even to initiate this policy of gradual constitutional development. From 1922 until the present day, the High Commissioner has governed Palestine with the aid of Councils consisting exclusively of British officials.

The Development of the Country, 1920-29.

24. Palestine under Ottoman rule had been a poor and undeveloped country. It had suffered further impoverishment during the war of 1914-18, and the mandatory Administration was faced with a formidable task in the economic and social fields. The non-political activities of the Administration, and the general development of the country, will be briefly surveyed in ^{three} ~~these~~ sections of the present memorandum, covering the periods 1920-29, 1929-36 and 1936-47.

25. One of the most pressing needs at the outset, for both economic and administrative reasons, was an improved system of communications. In 1917, Palestine had only 233 kilometres of all-weather roads and 192 kilometres of seasonal roads. By 1930 these figures had been raised to 912 and 1,293 respectively. The railway system was extended, unified and renovated.

26. The Administration assisted the recovery of the Arab peasantry from the losses they had suffered during the

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war, and developed agricultural services designed to bring about a permanent improvement in their standard of living. Loans amounting to 3576,000 were advanced to cultivators in the four years 1919-23. A Department of Agriculture and Forests was established; its expert staff promoted the use of improved farming methods, encouraged experiment with new crops and breeds, and in general stimulated a more profitable use of the land. The Department also concerned itself with the restoration of Palestine's forests, being directly responsible for the planting of a million trees by 1925, and maintaining nurseries which also contributed to a total plantation of between four and five million in the same period.

27. Perhaps the most striking progress, during these years, was made in the sphere of public health. Malaria, which was prevalent in all parts of the country before 1913, had by 1925 been eliminated from all the large towns except Haifa, and from the greater part of the countryside. The incidence of eye diseases also showed a sharp decline, largely as a result of the institution of a system of inspection and treatment in the primary schools. Other measures included the improvement of water supplies and the provision of infant welfare centres.

28. When the civil administration was established in July, 1920, there were 171 public Arab schools with 11,000 pupils. In two years these figures were raised to 311 and 20,000 respectively. [Thereafter the programme of expansion was curtailed by lack of money.]

29. The social and economic activities of Government Departments, while beneficial to the country as a whole, undoubtedly conferred greater advantages on the Arab than on the Jewish community. The Arabs formed the great majority of the population. They were both financially and by social

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31. In 1920, the Palestinian land in Jewish ownership amounted to approximately 500,000 dunums. By the end of 1929 another 514,000 dunums had been added. In 1927 there were roughly 100 rural settlements on Jewish land, with a total population of some 28,000. Modern Jewish quarters were being developed in Jerusalem and Haifa, while Tel Aviv, which in 1914 was a village with 2,000 inhabitants, had a population of 30,000 in 1925. Small industries were springing up in the Jewish towns, and Mr. Rutenberg had obtained a concession for a hydro-electric station on the upper Jordan.

32. Education, in schools controlled by the Jewish community and financed from Jewish funds with a small Government subsidy, was almost universal. The Hebrew University, which is mainly financed by contributions from abroad, was opened in 1925 when the entire Jewish population amounted to only 120,000. One of the basic purposes of this educational system was the revival of Hebrew as a living language. In 1925 the first High Commissioner declared that

"Hebrew is now definitely established as the language of the Jewish population of Palestine. All the younger generation speak it and most of the older generation who have lived long in the country. It is the only language of instruction in almost all the Jewish schools. All the Jewish newspapers are printed in Hebrew. The Mandate for Palestine specifically declares it to be, with English and Arabic, one of the official languages of the country."

33. At the end of the period under review, Palestine was still an overwhelmingly agricultural country. The most significant trend in export statistics was the growing importance of citrus fruits, of which 831,000 cases were exported in 1920-21 and 2,610,000 in 1929-30. In the latter year, rather more than 50 per cent of the citrus plantations

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were owned by Arabs.

34. During this decade the public revenue fluctuated between a minimum of £1,676,000 (in 1923-24) and a maximum of £2,809,000 (in 1925-26). Viewing the period as a whole, there was a comfortable surplus of revenue over expenditure.

35. After the outbreak of 1921, the country enjoyed eight years of freedom from disturbance. By the end of 1926 the British garrison had been reduced to a single squadron of the Royal Air Force and two companies of armoured cars.

The Disorders of August, 1929.

36. In September 1928 there occurred an incident, trivial in itself, which set up a chain of reactions the cumulative effect of which was to strengthen the element of religious ^{feeling} fanaticism in the Moslem Arab attitude to the growth of the Jewish National-Home. The centre of Moslem worship in Palestine, and one of the most sacred places of Islam, is a large rectangular area in the old city of Jerusalem known as the Haram-esh-Sherif. The lower part of a section of the exterior wall bounding this area on the west is believed to be also the last surviving fragment of Herod's Temple, built on the site of the Temple of Solomon. As such, this wall, generally known as the Wailing Wall, is a holy place to the Jews, who have a long-established right of access to it for devotional purposes. The exercise of this right was strictly defined by custom, and the introduction of a screen to divide men from women during prayers on the Day of Atonement, in 1928, was at once denounced by the Moslems as an innovation. The removal of the screen by the police gave rise in turn to complaints by the Jewish authorities.

37. In a memorandum presented to the Administration a few days after this incident, the Supreme Moslem Council declared their belief "that the Jews' aim is to take possession of the

Mosque

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Mosque of al-Aqsa gradually, on the pretence that it is the Temple, by starting with the Western Wall of this place." The National Council (Vaad Leumi) of the Palestine Jewish community published an open letter to the Moslem community, emphatically denying any intention of encroaching on the rights of Moslems over their Holy Places. Nevertheless a "Society for the Protection of the Moslem Holy Places" was formed, and discussion of the Wailing Wall was the starting point for a revival of nationalist agitation in the Arab community.

38. At about this time the Jews protested against building operations which were being carried out, within the Haram area but overlooking the pavement in front of the Wailing Wall, and against other innovations in the neighbourhood of the Wall. These were followed by the formation of a "Pro-Wailing Wall Committee", under the Presidency of a distinguished Jewish scholar, and by intemperate articles in the press of the Revisionists (the nationalist right wing of the Zionist Movement).

39. On the 14th August, 1929, some hundreds of young Jews organised a demonstration at the Wailing Wall, in the course of which the Zionist flag was raised and the Zionist anthem sung. Incensed by this, the Moslems held a counter-demonstration at the same spot on the following day, when written prayers placed in the crevices of the wall ^{by} Jewish worshippers were taken out and burned.

40. There followed a week of extreme tension. Then, between the 25th and the 29th August, murderous attacks were made by Arabs on Jews in Jerusalem, Hebron, Safed and in rural areas. In this outbreak 133 Jews were killed (over 60 at Hebron) and 339 wounded. Arab casualties, mostly inflicted by the troops or police, were 116 killed and 232 wounded.

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41. As after the two previous outbreaks, a Commission of Enquiry was formed, this time under the chairmanship of Sir Walter Shaw. In analysing the immediate causes of the Arab attack, the Commission drew attention to another factor which, while less important than the controversy surrounding the Wailing Wall, had also contributed to the "dangerous combination of anger and fear" felt by the Arabs. This was the successful conclusion, at the Zionist Congress held in Zurich between the 28th July and the 11th August, of negotiations for the association of the Zionist Movement with its non-Zionist sympathisers in an enlarged Jewish Agency.

"It was ... common knowledge in Palestine that at Zurich the Zionist movement was likely to be reinforced by a strong body of wealthy non-Zionists, who were expected to provide funds for the further development of Zionist activities in Palestine. The news that this expectation had been realised would quickly spread and was, in our opinion, a cause of increased apprehension and alarm among all classes of Arabs."

42. The Shaw Commission, however, did not accept these immediate causes of Arab apprehension as an adequate explanation of the events they were called upon to investigate.

[INSET] "There can in our view be no doubt," they wrote, "that racial animosity on the part of the Arabs, consequent upon the disappointment of their political and national aspirations and fear for their economic future, was the fundamental cause of the outbreak of August last.... In less than ten years ^{three} ~~these~~ serious attacks have been made by Arabs on Jews. For eighty years before the first of these attacks there is no recorded instance of any similar incidents. It is obvious then that the relations between the two races during the past decade must have differed in some material respect from those which previously obtained..... The Arabs have

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come to see in the Jewish immigrant not only a menace to their livelihood but a possible overlord of the future."

43. The following is a summary of the principal recommendations made by the Shaw Commission:

(i) His Majesty's Government should issue a clear statement of the policy they intend to pursue in Palestine. The value of this statement would be greatly enhanced if it defined the meaning they attached to the passages in the Mandate safeguarding the rights of non-Jewish communities, and if it laid down more explicit directives on such vital issues as land and immigration.

(ii) Immigration policy should be clearly defined, and its administration reviewed "with the object of preventing a repetition of the excessive immigration of 1925 and 1926." Machinery should be devised through which non-Jewish interests could be consulted on the subject of immigration.

(iii) A scientific enquiry should be made into the possibilities of land development in Palestine, having regard to "the certain natural increase in the present rural population." Meanwhile the "tendency towards the eviction of peasant cultivators from the land should be checked."

(iv) While making no formal recommendations on constitutional development, the Commission observed that the difficulties of the Administration were greatly aggravated by the absence of any measure of self-government.

44. On receiving this Report, in March 1930, His Majesty's Government decided to appoint a highly qualified investigator to make a more detailed enquiry into the problems of immigration, land settlement and development. Sir John Hope-Simpson, who was chosen for this task, presented his Report in August. Its conclusions, no less than those of the Shaw Commission, influenced the terms of the statement of policy which was issued as a White Paper in October.

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towards the non-Jewish inhabitants of Palestine. On the other hand, it is equally useless for Arab leaders to maintain their demands for a form of Constitution which would render it impossible for His Majesty's Government to carry out, in the fullest sense, the double undertaking already referred to."

46. In response to a suggestion made by the Shaw Commission, the statement emphasised the passage in the White Paper of 1922 declaring that the Jewish Agency was not entitled, by its special status under the mandate, to share in the government of Palestine. It added that

"machinery must be provided to ensure that the essential interests of the non-Jewish sections of the community should at the same time be fully safeguarded, and that adequate opportunity should be afforded for consultation with the Palestine Administration on matters affecting these interests."

47. In the section of the White Paper dealing with constitutional development, His Majesty's Government stated their considered opinion

"that the time has now come when the important question of the establishment of a measure of self-government in Palestine must, in the interests of the community as a whole, be taken in hand without further delay."

It was accordingly intended that a second attempt should be made to set up a Legislative Council on the lines proposed in 1922. On this occasion steps would be taken to circumvent a boycott by any section of the population; if some of the 12 unofficial places were left vacant after the elections, they would be filled by nomination. His Majesty's Government commented

"that had this Legislature been set up at the time when it was first contemplated the people of Palestine would by now have gained more experience of the working of constitutional machinery. Such experience is

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indispensable for any progress in constitutional development."

48. Dealing next with the social and economic problems surveyed by Sir John Hope-Simpson, the statement endorsed the latter's conclusion that

"at the present time and with the present methods of Arab cultivation there remains no margin of land available for agricultural settlement by new immigrants, with the exception of such undeveloped land as the various Jewish agencies hold in reserve."

It also cited Sir John Hope-Simpson's calculation that if the whole cultivable area of the country were divided among the existing Arab cultivators, it would not provide them with an average holding sufficient to maintain a decent standard of life. In these circumstances, the duty of ensuring that the "rights and position" of the Arabs ~~was~~^{were} not prejudiced could be reconciled with the duty of encouraging Jewish settlement only by means of "a methodical agricultural development."

"Only by the adoption of such a policy will additional Jewish agricultural settlement be possible consistently with the conditions laid down in Article 6 of the Mandate. The result desired will not be obtained except by years of work. It is for this reason fortunate that the Jewish organisations are in possession of a large reserve of land not yet settled or developed. Their operations can continue without break, while more general steps of development, in the benefits of which Jews and Arabs can both share, are being worked out. During this period, however, the control of all disposition of land must of necessity rest with the authority in charge of the development. Transfers of land will be permitted only in so far as they do not interfere with the plans of that authority."

49. On the subject of immigration, His Majesty's

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52. In November the Mandatory Government invited members of the Jewish Agency to confer with them on this controversy. The outcome of the conversations was a letter addressed by the Prime Minister to Dr. Weizmann on the 13th February, 1931. This letter, the Prime Minister said, "will fall to be read as the authoritative interpretation of the White Paper" on the matters with which it dealt. It contained, on the subject of the mandatory Power's obligations to the Jewish National Home, a number of positive statements which had not appeared in the White Paper. Among them were the following:

"The obligation to facilitate Jewish immigration and to encourage close settlement by Jews on the land remains a positive obligation of the Mandate, and it can be fulfilled without prejudice to the rights and position of other sections of the population of Palestine."

"The statement of policy of His Majesty's Government did not imply a prohibition of acquisition of additional land by Jews."

"His Majesty's Government did not prescribe and do not contemplate any stoppage or prohibition of Jewish immigration."

53. Thus interpreted, the statement of policy was more acceptable to the Zionists than it had seemed at first sight. The Arabs, however, regarded the Prime Minister's letter not as an interpretation of the previous White Paper but as a modification of it resulting from the political pressure which Zionism was able to exert in London. The "Black Letter," as they called it, diminished their confidence in the mandatory Power.

54. In the discussion arising from the disorders of 1929, the Permanent Mandates Commission played its part. An extraordinary session was held in June 1930, after the publication of the Shaw Report but before the issue of the White Paper. In the course of this session there was an

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UNITED KINGDOM DELEGATION TO THE UNITED NATIONS
EMPIRE STATE BUILDING
NEW YORK 1, N. Y.

TELEPHONE:
LONGACRE 5-2070

REPLIES SHOULD BE ADDRESSED
P. O. BOX 304
NEW YORK 1, N. Y.

Mr Trafford Smith
Colonial Office

26 May 1947

My dear Shasles,

Berley has sent me the enclosed
Here are three copies of a further section
of ^{the} historical memorandum on Palestine,
covering the story down to the outbreak of
war in 1939. I hope to finish the job
this week.

On reading through this typescript, I
have the impression that I have not done
justice to the Woodhead Commission. I
may therefore send you some additions to

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that part of the memorandum. I cannot
try to work them in now, as the bag is
closing almost immediately.

^{I suggest that we}
I hope you now have enough of
the memorandum to consider whether it can
be approved for printing, and to amend it
as ^{we} you think necessary. ^{He has} I have told the
Secretary that we intend to let the
Committee hear it while they are in
Jerusalem.

Yours ever,

Harold

RECEIVED IN C.B.
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The Development of the Country. 1929 - 1936.

57. The need for economic development in Palestine was emphasised, in 1930, by the Permanent Mandates Commission, by Sir John Hope-Simpson and by the Government of the mandatory Power. A Director of Development was appointed in the following year, and the Arab Executive and the Jewish Agency were each invited to nominate a representative to assist him in an advisory capacity. The Arab Executive declined to accept this invitation unless the Government would agree to their condition that development should not be based on the principles embodied in the Prime Minister's letter to Dr. Weizmann. The Jewish Agency declined in protest against a revision of the Protection of Cultivators Ordinance, which in their view would hamper Jewish purchases of land. Another factor in the discouragement of plans for economic development under governmental guidance was the economic crisis in Great Britain.

58. Nevertheless Palestine was at this time entering a period of rapid economic expansion, the more remarkable by contrast with the depression into which the world as a whole had plunged. The years 1930 - 35 saw the completion of some of Palestine's major capital developments. Haifa harbour was opened to traffic as a deep water port in 1933. This was a Governmental undertaking. Its importance was increased in 1935 by the opening of the Iraq Petroleum Company's pipe-line from Kirkuk, and in 1936 by the completion of an oil dock. Jewish enterprise was responsible for the formation of Palestine Potash Limited, which obtained a concession in 1930 for the extraction of chemicals from the Dead Sea; and of the Palestine Electric Corporation, whose hydro-electric power station in the Jordan Valley began to operate in 1932.

59. These were also the years in which the Jewish National Home experienced its most rapid growth. The following table shows the sharp rise in numbers of Jewish immigrants to the peak year of 1935:

/1930 4,944

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1930	4,944
1931	4,075
1932	9,553
1933	30,327
1934	42,359
1935	61,854
1936	29,727

The increased scale of immigration was accompanied by a change in its character. The Jewish community in Germany, which had made a negligible contribution before 1933, provided 27 per cent of the total in 1936. The establishment of the Nazi régime in Germany thus had immediate repercussions in Palestine.

60. The total population of Palestine at the end of 1936 was approximately 1,300,000, the Jews being estimated at 384,000. The Arabs had also increased rapidly, mainly as a result of the cessation of the military conscription imposed on the country by the Ottoman Empire, the campaign against malaria and the improvement in health services generally. In absolute figures their increase almost equalled that of the Jewish population, but relatively the latter had risen from 11 per cent at the census of 1922 to nearly 30 per cent at the end of 1936.

61. The immigration of Jews into Palestine was accompanied by an impressive import of Jewish capital, estimated at nearly £80,000,000 by the end of 1936. This inflow of capital increased with the rising figures of immigration, and made its contribution to a striking expansion of Jewish activity in both agriculture and industry. The number of Jewish agricultural settlements rose from 96 in 1927 to 172 in 1936 and their total population from 28,000 to 87,000. The capital invested in Jewish industry rose from £2,095,000 in 1930 to £11,064,000 in 1937. The population of the all-Jewish city of Tel Aviv was nearing 150,000.

62. Despite the growing extent and diversity of industry, the importance of citrus fruits in Palestine's export trade continued to increase. The volume of citrus exports rose steadily from 2,600,00 cases in 1929 to 3,000,000 in 1936. The

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in 1929 30 to 7,300,000 in 1934 - 35, falling in the next year to 5,900,000 but immediately resuming its rise to the peak figure of 15,300,000 in 1938 - 39. In the calendar year 1935, oranges, grape-fruit and lemons constituted 84 per cent of Palestine's total exports.

63. The economic prosperity of the country during these years was reflected in the public revenue, which, as compared with an average of less than two and a half million pounds in the years 1928 - 31, reached a total of £5,770,000 in the financial year 1935 - 36. The statistics of foreign trade were equally significant. The value of imports ^{increased} from £7,167,000 in 1929 to £17,853,000, in 1936 and that of exports from £1,554,000 to £4,215,000 in the same years.

64. The impetus given to the country's economic development by Jewish immigration and by the influx of Jewish capital conferred certain benefits on the Arab community. The Government was able to expand its services, in the interest of the whole population, by means of revenue drawn in an increasing proportion from the Jewish taxpayer. And the Arab cultivator benefited from the expansion of the urban market for his produce. Nor could it be shown that the purchase of land by Jews had driven any appreciable number of Arab cultivators out of agriculture.

65. The Arabs were nevertheless apprehensive for their economic future. ^{These numbers} ~~The Arabs~~ were increasing rapidly, there was already rural congestion in the hill villages, and the more fertile land in the plains which might have been developed to absorb their excess population was steadily passing into Jewish ownership.

66. The two communities remained economically distinct. The lack of fusion between the ^{indigenous} native Arab and oriental Jewish population on the one hand, and the Jewish immigrants from Europe on the other, was strikingly illustrated by tables of comparative daily wages officially computed in 1935, from which the following is an extract:

"Prevailing Daily Wages, in mils, for adult male labour

	European	Asiatic
Agricultural work:		
Ploughing	250 - 2800	80 - 120
Orange-picking	220 - 225	120 - 200
Pasturage	200	80 - 100

/Industrial

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	<u>European</u>	<u>Asiatic</u>
Industrial works:		
Quarrymen, skilled	450 - 600	200 - 300
" , unskilled	350 - 400	100 - 140
Masons, skilled	600 - 700	500 - 600
Building labourers	350 - 400	100 - 180
Government employment:		
Road Asphalters	250 - 500	120 - 400
General labourers	120 - 400	70 - 200

These discrepancies were largely due to the fact that the Arabs had not developed a trade union organisation in any way comparable with the General Federation of Jewish Labour (Histadruth), which was ^{the} most powerful influence in the Jewish economic system.

67. There was an equally marked discrepancy in the educational opportunities available to the two communities. The Government of Palestine made financial provision for Arab and Jewish education respectively, in proportions determined by the numbers of children of school age in the two communities. But, whereas the Arab schools were almost entirely dependent on public funds, the Jewish schools obtained no less than 85 per cent of their finances from other sources in 1935 - 36. As a result of this voluntary effort on the part of the Jewish community, elementary education was almost universal, and secondary education was well developed. In the Arab schools, on the other hand, the increase in accommodation was barely keeping pace with the growth of the population. In 1936 the Department of Education estimated that the percentages of Moslem children attending school (for at least a short period) was as follows:

	<u>Boys</u>	<u>Girls</u>
In towns	75	45
In villages	40	1

68. The differing financial bases of the two educational systems found recognition in the arrangements made for their control. The Arab schools were under the direct administration of the Department of Education. The Jewish schools were controlled by the Vaad Leumi (General Council of the Jewish community). Article 15 of the Mandate, under which "the right of each community to maintain its own schools ... shall not be denied or impaired", made it impossible for the Government to prevent this division

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of the great majority of Palestinian schools into two watertight compartments. Its consequences were described by the Peel Commission in the following terms:

"From the age of three or four years, when children enter the kindergarten to be taught Hebrew if they do not know it already, pride in the past of Jewry and in the National Home as an exclusively and intensely Jewish achievement of the present is the dynamic centre-point of their whole intellectual development. The idea that they are to share their life in any way with the Arabs, that they are growing up to be fellow-citizens with Arabs in a common Palestinian State, is only recognized in the teaching of a little Arabic in the secondary schools; and that provision, excellent in itself, is wholly insufficient as long as the rest of the teaching is inspired by a purely Jewish rather than Palestinian objective."

"..... Though the Arab school system is a Government system, its nationalist character is quite as marked as that of the non-Government Jewish system. The curriculum both in primary and secondary schools is mainly concerned with the Arabic language and Arab tradition. There is no teaching of Hebrew and little or none of Jewish history."

Political History 1931 - 1936.

69. The increase in Jewish immigration from 1933 onwards was accompanied by an intensification of Arab political activity. In October, 1933, the Arab Executive proclaimed a general strike and organised a demonstration outside the Government Offices in Jerusalem. The demonstrators clashed with the police, and during the next few weeks other riots took place in Jaffa, Nablus, Haifa, and again in Jerusalem. In the course of these disorders, one policeman and 26 civilians were killed. The disturbances of 1933 differed from those of 1920, 1921 and 1929 in that they were directed not against the Jews but

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against the Mandatory Government, which was accused of tilting the balance against the Arabs in its administration of the Mandate.

70. In the following year, 1934, five Arab political parties were formed. In November 1935 their leaders combined to submit to the High Commissioner a Memorandum demanding the establishment of democratic government, the prohibition of the transfer of Arab land to Jews, the immediate cessation of Jewish immigration and the formation of a competent committee to determine the absorptive capacity of the country and to lay down principles for the control of immigration.

71. Meanwhile the Administration was preparing for a renewed attempt to establish self-governing institutions in Palestine. Elections were held in all the municipalities following the enactment of a new Municipal Corporations Ordinance in January, 1934. At the end of 1935, the High Commissioner communicated to the Jewish and Arab leaders proposals for the creation of a Legislative Council. The proposed Council was to consist of 28 members distributed as follows:

	<u>Elected</u>	<u>Nominated</u>	<u>Officials.</u>
Moslems	8	3	-
Jews	3	4	-
Christians	1	2	-
Representatives of Commerce	-	2	-
Officials	-	-	5
TOTALS	12	11	5

The electorate would consist of Palestinian citizens not less than 25 years old, each community being left to decide whether or not women were to have the vote. The powers of the Council were to be the following:

- "(1) To debate on all Bills introduced by Government, to amend and to pass them for assent or dissent by the High Commissioner.
- (2) to introduce Bills, except Money Bills, subject to the consent of the High Commissioner
- (3) to consider and debate on the annual Budget
- (4) to propose any question of public interest for debate, provided that no vote for the expenditure of public

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money or the imposition of taxation may be proposed except by the direction of the High Commissioner, nor any resolution which, in the opinion of the High Commissioner, is likely to endanger the public peace

(5) to ask questions of the Executive relative to the administration of government."

Any resolution calling in question the validity of the Mandate would be disallowed. Immigration quotas could be discussed and criticized, but their final determination would remain with the High Commissioner. The High Commissioner would retain power to give effect to urgent legislation either when the Council was not sitting or after a failure of the Council to legislate.

72. This project was rejected as unacceptable by the Zionists. The Arabs, although critical of its details, were ready to discuss it. It was severely criticized in both Houses of Parliament, largely on the ground that the power it would give to the Arab majority in Palestine was inconsistent with the obligation assumed by the Mandatory towards the Jewish National Home. It was generally assumed after these debates that the withdrawal of the project was probable, and the Arabs maintained that, as in 1931, Jewish influence in London had prevented His Majesty's Government from making concessions to the Arab point of view. At the beginning of April, 1936, the leaders of the five Arab parties were invited to send a delegation to London to discuss the question of Constitutional reform. The invitation was accepted, but the conversations did not take place owing to the outbreak of disorder in Palestine later in the month.

73. The Arab rising in Palestine, which began in April 1936, was influenced by the recent example of nationalist movements in neighbouring Arab countries. Rioting in Egypt during the autumn of 1935 had been followed by a declaration of the British Government's willingness to negotiate an Anglo-Egyptian Treaty. And in January 1936 a strike began in Syria

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which was not terminated until the French Government announced their decision to negotiate an agreement for the termination of the Mandate.

The Arab Rebellion, 1936 - 1939.

74. On the night of the 15th April, 1936, three Jews were killed by Arab highwaymen between Tulkarm and Nablus. On the following night two Arabs were killed near the Jewish town of Petah Tigna. The funeral of one of the Jews killed on the 15th led to serious rioting in Tel Aviv and Jaffa two days later.

75. These incidents were immediately followed by the formation of National Committees in all the Arab towns and in the larger villages. On the 21st April, the leaders of the five Arab parties called a general strike. On the 25th they formed a Supreme Arab Committee, subsequently known as the Arab Higher Committee, under the Presidency of the Mufti of Jerusalem. The Committee decreed that the strike should continue until Jewish immigration was suspended.

76. The strike was accompanied by widespread violence, which took various forms - destruction of Jewish property and sniping at Jewish settlements, sabotage of communications, sporadic shooting and bomb-throwing in the towns. Most of this was the work of loosely organised bands based in the Judaean hills, a country which they knew intimately and which did not lend itself to effective counter-measures by the military. These were also hampered by the sympathy of the population with the rebels, and the consequent difficulty in obtaining information.

77. Reinforcements began to arrive in May, and by September there were two British divisions in the country. Towards the end of that month the High Commissioner was empowered to establish military tribunals. The Government refused to offer any concession in return for the cessation of the strike and the restoration of order.

78. During the summer, the Amir of Transjordan and the Foreign Minister of Iraq had conferred with the Palestinian Arab leaders in an effort to find means of re-establishing peace. Eventually, on the 11th October, the Arab

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Higher Committee published the text of identical letters from King Abdul Azis ibn Saud, King Ghazi of Iraq and the Amir Abdullah of Transjordan, in which the three rulers announced their agreement

"to call upon you to resolve for peace in order to save further shedding of blood. In doing this, we rely on the good intentions of our friend Great Britain, who has declared that she will do justice. You must be confident that we will continue our efforts to assist you."

The strike was called off on the following day, and the country settled down to a period of relative tranquillity.

78. In the six months between mid-April and mid-October, 1936, 80 Jews lost their lives; there were 37 fatal casualties in the defence and security forces; it was estimated that 1000 Arabs were killed, mostly in fighting with the troops and police.

79. Sporadic terrorism continued throughout the first nine months of 1937, developing in the late autumn into a second phase of the rebellion. The Acting District Commissioner of Galilee and his police escort were fatally shot by Arab gunmen in Nazareth on the 26th September. Five days later the Government announced that they

"found it necessary to institute action against certain persons whose activities have been prejudicial to the maintenance of public security in Palestine and who must therefore be regarded as morally responsible for the campaign of terrorism and murder."

The Arab Higher Committee and the local National Committees were accordingly declared to be unlawful associations. The Mufti of Jerusalem was deprived of the office of President of the Supreme Moslem Council. And warrants were issued for the arrest of five members of the Higher Committee and of another Arab leader. One (Jamal Effendi Hussein) escaped and the five others were deported to the Seychelles. A few days later the Mufti left Jerusalem in disguise and went to Lebanon.

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80. From then until the end of the year, disorder again reached the level of April - October 1936. As compared with 240 attacks by bombs and firearms recorded during the first nine months of 1936, there were 198 in the last quarter. Military courts, with power to pass sentence of death, were established in November. Casualties from gang or terrorist activities in 1937 totalled 97 killed and 149 wounded.

81. The Arab rising continued through the first half of 1938, and reached its climax between July and November. Under the guidance of the exiled leaders in Syria and Lebanon, arms and money were smuggled across the frontiers into Palestine. The guerrilla bands became more highly organised. Rebel courts were established for the trial of Arabs accused of disloyalty to the national cause, and many executions were carried out after trial by these illegal tribunals. The Assistant District Commissioner at Jenin was murdered in August. In September all police and Government buildings in Beersheba were set on fire and destroyed. In October, a large-scale military operation was necessary in order to restore the Government's authority in the Old City of Jerusalem. The total of known deaths resulting from terrorist and gang activities in 1938 was 835. In addition it was estimated that 1000 Arab insurgents were killed in actions with the military and police.

82. On the 12th September, the police force was placed under the operational control of the General Officer Commanding the troops, and in the following month the powers and duties of the District Commissioners were transferred to Military Commanders. In the course of 1938, the General Officer Commanding confirmed 54 death sentences passed by military tribunals.

83. The rising continued into 1939, but with diminishing vigour. Its decline seems to have been due in part to the waning enthusiasm of the Arab villagers, on whom had fallen much of the burden of maintaining the guerrillas, in part to the readiness of many Arabs to accept the policy formulated by the mandatory Power in the White Paper of 1939 (see below, paragraphs). The Jewish community, a section of which had begun in 1938 to execute reprisals against the Arabs, was correspondingly angered by the new policy. The publication of the White Paper was immediately followed by an outburst of Jewish violence, which continued until the Second World War began in September.

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Trans-Jordan, then by Egypt and lastly, subject to a short delay, by Syria and the Lebanon. The weight of this factor has been augmented by close contact between Arabs in Palestine and Arabs in Syria, Iraq and Saudi Arabia and by the willingness shown by the Arab Rulers to do what they properly could to assist them.

(ii) The pressure on Palestine exerted by World Jewry in view of the sufferings and anxieties of the Jews in Central and Eastern Europe. The increase in this pressure from the beginning of 1933 onwards and the consequent high figures of Jewish immigration gravely accentuated Arab fears of Jewish domination over Palestine.

(iii) The inequality of opportunity enjoyed by Arabs and Jews respectively in putting their case before Your Majesty's Government, Parliament and public opinion in this country; and the Arab belief that the Jews can always get their way by means denied to the Arabs. Based in general on the status of the Jewish Agency both in Jerusalem and in London, this belief was greatly strengthened by the publication of Dr. MacDonald's letter to Dr. Weizmann in 1931 and by the debates in Parliament on the proposals for a Legislative Council early last year.

(iv) Associated with this last factor, the growth of Arab distrust, dating back to the time of the McMahon Pledge and the Balfour Declaration, in the ability, if not the will, of Your Majesty's Government to carry out their promises.

(v) The Arab alarm at the continued purchase of Arab land by Jews.

(vi) The intensive character of Jewish nationalism in Palestine; the "modernism" of many of the younger immigrants; the provocative language used by irresponsible Jews; and the intemperate tone of much of the Jewish as well as the Arab Press.

(vii) The general uncertainty, accentuated by the ambiguity of certain phrases in the Mandate, as to the ultimate intentions of the Mandatory Power. This uncertainty has aggravated all the difficulties of the situation, and in particular has (a) stimulated the Jewish desire to expand and consolidate their position in Palestine as quickly as may be, and (b) made it possible for the Arabs to interpret the conciliatory policy of the Palestine Government and the sympathetic attitude of some

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of its officials as showing that the British determination to implement the Balfour Declaration is not whole-hearted.

86. The Commission gave careful consideration to the grievances of both Arabs and Jews against the mandatory administration, and reached the conclusion that the principal concession demanded by ^{each} ~~both~~ peoples could not legitimately be granted. Thus the Commission wrote as follows on the Arab demand for self-government:

"We are confronted ... with a paradoxical situation. The Arabs of Palestine, it has been admitted, are as fit to govern themselves as the Arabs of Iraq or Syria. The Jews of Palestine, it is clear, are as fit to govern themselves as any organized and educated community in Europe or elsewhere. Yet, associated as they are under the Mandate, self-government is impracticable for both peoples. Nowhere, indeed, in all the fields in which the Mandate operates is the deadlock so complete as in this last field. Nowhere is it more manifest that the Mandate cannot be fully and honourably implemented unless by some means or other the national antagonism between Arab and Jew can be composed. But it is the Mandate that created that antagonism and keeps it alive; and, as long as the Mandate exists, we cannot honestly hold out the expectation that either Arabs or Jews will be able to set aside their national hopes or fears and sink their differences in the common service of Palestine. That being so, real "self-governing institutions" cannot be developed, nor can the Mandate ever terminate, without violating its obligations, general or specific. For at any given time there must be either an Arab or a Jewish majority in Palestine, and the government of an independent Palestine, freed from the Mandate, would have to be either an Arab or a Jewish government. In the latter event - assuming, we repeat, that the miracle of reconciliation has not happened and that politics are still conducted on lines of race - the general obligation implicit in all Mandates that the people entrusted to Mandatory administration are to be enabled in course of time to "stand by themselves" would not have been fulfilled. In the other event, the obligation in Article 2 "for placing the country under such political, administrative and economic conditions as will secure the establishment

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of the Jewish National Home" would not have been discharged." At the same time the Commission, so far from endorsing the Zionist view that immigrants should be more freely admitted, reached the conclusion that "political, social and psychological considerations", as well as economic absorpti^{ve} capacity, should be taken into account when the rate of immigration was determined. They accordingly recommended that, if the Mandate was to continue, immigration should be confined within a maximum figure (or, as they termed it, "a political high level") of 12,000 annually during the succeeding five years.

87. The members of the Peel Commission were led by their diagnosis of the situation in Palestine to the conclusion that the obligations imposed upon the Mandatory by the terms of the mandate were mutually irreconcilable.

"To put it in one sentence, we cannot - in Palestine as it now is - both concede the Arab claim to self-government and secure the establishment of the Jewish National Home".

88. In these circumstances the maintenance of the Mandate would mean the indefinite continuance of unrest and disturbance. The Commission therefore recommended that His Majesty's Government should take steps to terminate the Mandate and to partition the country in such a way as to create an independent Jewish State in the north and west, and to incorporate most of the remaining territory in Trans-jordan.

"Manifestly," the Commission wrote, "the problem cannot be solved by giving either the Arabs or the Jews all they want. The answer to the question 'Which of them in the end will govern Palestine?' must surely be 'Neither'. We do not think that any fair-minded statesman would suppose, now that the hope of harmony between the races has proved untenable, that Britain ought either to hand over to Arab rule 400,000 Jews whose entry into Palestine has been for the most part facilitated by the British Government and approved by the League of Nations; or that, if the Jews should become a majority, a million or so of Arabs should be handed over to their rule. But, while neither race can justly rule all Palestine, we see no reason why, if it were practicable, each race should not rule part of it."

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89. The Commission believed that partition on the lines they proposed, while demanding from both Arabs and Jews some sacrifice of their aspirations, would confer on each of them substantial advantages. A large part of the Arab population would obtain its independence, and would be finally delivered from the possibility of ultimate subjection to Jewish rule. The Jews, conversely, would be secured against the possibility of subjection to Arab rule, and would be free to determine their own rate of immigration. To both peoples partition would offer the prospect of peace. "It is surely worth some sacrifice on both sides if the quarrel which the Mandate started could be ended with its termination."

90. While not intending that the principle of partition should stand or fall with their specific proposals, the Commissioners submitted a map on which the whole of Galilee, the Plain of Esdraelon, and the Maritime Plain as far as a point about ten miles south of Rehovoth, were allocated to the Jewish State. The greater part of Palestine to the south and east of this line would be united with Trans-Jordan. But Jerusalem and Bethlehem, ^{and also Nazareth,} together with a corridor reaching the sea at Jaffa, would remain under British Mandate.

91. His Majesty's Government issued, simultaneously with the Report of the Royal Commission, a statement of policy in which they announced that:

"In the light of experience, and of the arguments adduced by the Commission, they are driven to the conclusion that there is an irreconcilable conflict between the aspirations of Arabs and Jews in Palestine, that these aspirations cannot be satisfied under the terms of the present Mandate, and that a scheme of partition on the general lines recommended by the Commission represents the best and most hopeful solution of the deadlock."

92. The proposal that Palestine should be partitioned met with uncompromising hostility in the Palestinian Arab community, and was condemned by a ^{pan} Jew-Arab Congress held at Bludan in September. The Zionists, while unanimous in denying the contention that the Mandate had proved unworkable and in rejecting the frontier proposed by the Peel Commission, were divided on the principle of partition. The twentieth

/ Zionist Congress

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Zionist Congress, which met at Zurich in August, empowered its Executive to enter into negotiations with the object of ascertaining the precise plan of partition which the Mandatory would offer. The executive must then refer the plan to a newly elected Congress for consideration and decision. The Council of the Jewish Agency, meeting immediately after the Zionist Congress, instructed its Executive in the same sense, adding however a resolution to the effect that His Majesty's Government should be asked to convene a conference of the Jews and Arabs of Palestine in order to explore the possibility of a peaceful settlement in an undivided Palestine on the basis of the Balfour Declaration and the Mandate.

93. The Peel Report was also examined by the Permanent Mandates Commission, at its thirty-second session in August 1937. In the course of a preliminary opinion addressed to the Council of the League of Nations, the Mandates Commission stated that:

"The present Mandate became almost unworkable once it was publicly declared to be so by a British Royal Commission speaking with the twofold authority conferred on it by its impartiality and its unanimity, and by the Government of the Mandatory Power itself."

The Mandates Commission therefore advised that the British Government should be empowered to explore the possibility of a "new territorial solution". They considered however, that it would be unwise to establish two independent States without a further period of Mandatory supervision. They therefore recommended that, if the policy of partition was adopted, the Jewish and Arab States should remain under a transitional Mandatory regime, either as separate entities or in some form of provisional federation, until they had given sufficient proof of their ability to govern themselves.

94. The League Council adopted, on the 16th September, a resolution authorising the Mandatory to prepare a detailed plan for the partition of Palestine, meanwhile deferring consideration of the substance of the new proposal until the plan had been submitted.

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The Partition Commission, 1938.

95. In accordance with the League Council's resolution, a technical Commission was appointed in February 1938, under the Chairmanship of Sir John Woodhead. The following is an extract from its terms of reference:

"Taking into account the plan of partition outlined in Part III of the Report of the Royal Commission, but with full liberty to suggest modifications of that plan, including variation of the areas recommended for retention under British Mandate,

And taking into account any representations of the communities in Palestine and Trans-Jordan -

(1) to recommend boundaries for the proposed Arab and Jewish areas and the enclaves to be retained permanently or temporarily under British Mandate which will -

(a) afford a reasonable prospect of the eventual establishment, with adequate security, of self-supporting Arab and Jewish States:

(b) necessitate the inclusion of the fewest possible Arabs and Arab enterprises in the Jewish area and vice versa; and

(c) enable His Majesty's Government to carry out the Mandatory responsibilities the assumption of which is recommended in the Report of the Royal Commission, including the obligations imposed by Article 28 of the Mandate as regards the Holy Places."

96. The Woodhead Commission found that the Jewish State contemplated by the Peel Commission, after certain modifications of the proposed frontier which its security would necessitate, would contain an Arab minority amounting to 49 per cent of the total population. They therefore rejected this proposal, and examined other possibilities. Two of the four Commissioners, including the Chairman, eventually recommended a plan which would have confined the Jewish State to a strip of territory in the northern part of the Maritime Plain, approximately 75 kilometres in length but intersected at Jaffa by an Arab enclave and the corridor connecting the Mandated territory of Jerusalem with the sea. Under this plan, the additional areas in the north which the Peel Commission would

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have allocated to the Jewish State were not to pass under Arab rule. They would be administered by the Mandatory until their Arab and Jewish populations could agree on their final destination, which might involve either fusion with the Arab or the Jewish State or the establishment of a third independent State. A similar mandatory regime was to be established in the south, over an area roughly corresponding to the sub-district of Beersheba. The plan also embodied the Royal Commission's recommendation for a Jerusalem enclave under British administration.

97. If followed that the majority proposals of the Woodhead Commission would involve early independence only for the central part of Palestine, lying between the northern and southern mandated areas and excluding the Jerusalem enclave. Even in this restricted area, independence would not be unqualified. For the two Commissioners recommended, as an essential feature of their plan, a customs union between the three administrations (Arab, Jewish and Mandatory). They proposed that the tariff policy of the union should be determined by the Mandatory after consultation with Arab and Jewish representatives. Thus the two independent States envisaged by the Royal Commission would be reduced both in territory and in sovereignty.

98. Of the two other members of the Woodhead Commission, one recommended the addition to the proposed Jewish State of the valleys of Esdraelon and Jezreel, with lakes H⁴aleh and Tiberias, thus leaving the hills of Galilee outside but encircled by the Jewish territory. The other concluded that no form of partition was practicable.

99. In a White Paper issued simultaneously with the Report of the Partition Commission, His Majesty's Government announced that they have reached the conclusion that this further examination has shown that the political, administrative and financial difficulties involved in the proposal to create independent Arab and Jewish States inside Palestine are so great that this solution of the problem is impracticable."

They announced their intention of convening a Conference in London, at which they would seek to reach agreement with Arab and Jewish representatives on an alternative means of overcoming the difficulties described

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by the Royal Commission.

100. The London Conference was attended on the one side by representatives of the Arabs of Palestine and of the Governments of Egypt, Iraq, Saudi Arabia and Yemen, on the other by the Jewish Agency for Palestine, which associated with its delegation a number of representatives of Jewish opinion outside the ranks of the Agency itself. Since the Arabs maintained their refusal to recognise the Jewish Agency, it was necessary to organise two separate conferences, one Anglo-Arab and the other Anglo-Jewish. The conversations lasted from the 7th February until the 15th March. The British Delegation presented proposals similar to those which ^{were} subsequently published in the "White Paper of May, 1939. They were rejected by the Jews in principle; to the Arabs they represented an acceptable basis for discussion, but no agreement was reached.

101. At the Anglo-Arab conference it was found necessary to enquire into the bearing on the Palestine situation of an exchange of letters which had taken place in 1915-16 between Sir Henry McMahon, High Commissioner in Cairo, and the Sherif Hussein of Mecca. The Arab delegates maintained that Palestine was one of the Arab countries the independence of which was promised in this correspondence. The British delegation was unable to accept this view.

The White Paper of May, 1939.

102. The statement of policy issued by His Majesty's Government in May 1939/ was intended to put an end to uncertainty as to the objectives of their policy in Palestine, and to prepare the way for the termination of the Mandate. The statement opened with a clear definition of the attitude of His Majesty's Government towards the maximum claims of both Arabs and Jews. Thus, after quoting the interpretation of the Balfour Declaration contained in the White Paper of 1922, they

"now declare unequivocally that it is not part of their policy that Palestine should become a Jewish State."

At the same time they maintained their rejection of the Arab contention that they were pledged, by undertakings given during the war of 1914-18, to grant independence to the Arab population of Palestine:

"They ... cannot agree that the McMahon correspondence forms a

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just basis for the claim that Palestine should be converted into an Arab State."

103. The objective of His Majesty's Government was then stated to be "the establishment within ten years of an independent Palestine State ... in which Arabs and Jews share in government in such a way as to ensure that the essential interests of each community are safeguarded."

104. Before such a State could be established, a period of transition would be necessary in which the Mandatory would attempt to improve relations between the two communities and to build up the machinery of self-government. During this period, ^{Arabs and Jews,} Palestinians would be placed in charge of the Departments of Government ^{responsibility in proportion to their respective populations} and introduced into the Executive Council.

The hope was expressed that it might prove possible to establish an elective legislature. And at the end of five years "an appropriate body representative of the people of Palestine and of His Majesty's Government" would make recommendations for the constitution of the future independent State. The period of transition would be designed to terminate in ten years. But:

"If, at the end of ten years, it appears to His Majesty's Government that, contrary to their hope, circumstances require the postponement of the establishment of the independent State, they will consult with representatives of the people of Palestine, the Council of the League of Nations and the neighbouring Arab States before deciding on such a postponement. If His Majesty's Government come to the conclusion that postponement is unavoidable, they will invite the cooperation of these parties in framing plans for the future with a view to achieving the desired objective at the earliest possible date."

105. Nothing was said in the White Paper on the constitution of the independent State, beyond the general principle that it must enable Arabs and Jews to share in government in such a way that the essential interests of each were safeguarded. The Colonial Secretary, when he subsequently appeared before the Permanent Mandates Commission, indicated two possible means through which effect might be given to this principle in the future constitution. There might, he suggested, be a federal

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system with equal representation in the central institutions for an Arab province and a Jewish province. Or, if the State was constructed on a unitary and not a federal basis, the constitution might provide that, on matters of importance, no decision could be taken unless a majority of the Arab members of the legislature and a majority of the Jewish members of the legislature were in agreement.

106. It was provided in the White Paper that the independent State should enter into treaty relations with the United Kingdom.

107. The statement of policy next dealt with the subject of Jewish immigration:

"In the view of the Royal Commission, the association of the policy of the Balfour Declaration with the mandate system implied the belief that Arab hostility to the former would sooner or later be overcome. It has been the hope of British Governments ever since the Balfour Declaration was issued that, in time, the Arab population, recognising the advantages to be derived from Jewish settlement and development in Palestine, would become reconciled to the further growth of the Jewish National Home. This hope has not been fulfilled. The alternatives before His Majesty's Government are either (i) to seek to expand the Jewish National Home indefinitely by immigration, against the strongly expressed will of the Arab people of the country; or (ii) to permit further expansion of the Jewish National Home by immigration only if the Arabs are prepared to acquiesce in it. The former policy means rule by force. Apart from other considerations, such a policy seems to His Majesty's Government to be contrary to the whole spirit of Article 22 of the Covenant of the League of Nations, as well as to their specific obligations to the Arabs in the Palestine mandate. Moreover, the relations between the Arabs and the Jews in Palestine must be based sooner or later on mutual tolerance and goodwill; the peace, security and progress of the Jewish National Home itself require this. Therefore His Majesty's Government, after earnest consideration, and taking into account the extent to which the growth of the Jewish National Home has been facilitated over the last twenty years, have decided that the time has come to adopt in principle the second of the alternatives referred to above."

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It was accordingly provided that, after the admission of not more than 75,000 additional immigrants during the five years beginning in April 1939, "no further Jewish immigration will be permitted unless the Arabs of Palestine are prepared to acquiesce in it."

108. The last section of the White Paper dealt with the transfer of land from Arab to Jewish ownership.

"The Administration of Palestine is required, under Article 6 of the Mandate, "while ensuring that the rights and position of other sections of the population are not prejudiced", to encourage "close settlement by Jews on the land", and no restriction has been imposed hitherto on the transfer of land from Arabs to Jews. The reports of several expert Commissions have indicated that, owing to the natural growth of the Arab population and the steady sale in recent years of Arab land to Jews, there is now in certain areas no room for further transfers of Arab land, whilst, in some other areas, such transfers of land must be restricted if Arab cultivators are to maintain their existing standard of life and a considerable landless Arab population is not soon to be created. In these circumstances, the High Commissioner will be given general powers to prohibit and regulate transfers of land. These powers will date from the publication of this statement of policy and the High Commissioner will retain them throughout the transitional period."

109. The policy expounded in the White Paper was bitterly condemned by all Zionist opinion. The Zionist Congress of 1939 denied its moral and legal validity, and declared that the Jewish people would not acquiesce in the reduction of its status in Palestine to that of a minority. The Arabs criticised the length of the period of transition, the provision for its possible prolongation, and the proposal that representatives of the Mandatory Power should participate in framing the constitution of the independent State. Nevertheless there were signs that the Arabs would in practice be ready to acquiesce in the application of the new policy.

110. The Mandatory's new statement of policy/^{was} examined by the Permanent Mandates Commission at their thirty-sixth session in June, 1939.

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The Commission reported that:

"the policy set out in the White Paper was not in accordance with the interpretation which, in agreement with the Mandatory Power and the Council, the Commission had always placed upon the Palestine Mandate."

They went on to consider whether the mandate was open to a new interpretation with which the White Paper would not be at variance. Four of the seven members "did not feel able to state that the policy of the White Paper was in conformity with the mandate, any contrary conclusion appearing to them to be ruled out by the very terms of the mandate and by the fundamental intentions of its authors." The other three members

[insert]

"were unable to share this opinion; they consider that existing circumstances would justify the policy of the White Paper, provided the Council did not oppose it".

111. It was the intention of His Majesty's Government to seek the approval of the League Council for their new policy. This, however, they were prevented from doing by the outbreak of war in September.

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Palestine during and after the Second
World War.

112. Acts of terrorism committed by Jews ceased altogether with the outbreak of war, and the armed Arab bands melted away before the end of the year. The Jewish Agency called on the Jewish community to offer its full assistance to the mandatory Power, and similar appeals were made in the Arabic press. In the course of the war the Jews provided 27,000 recruits for the British services, and the Arabs 12,000. A Jewish Brigade Group was formed in 1944.

113. In February, 1940, the Government promulgated Land Transfers Regulations under which the country was divided into three zones. In the largest of these zones, all transfers of land to persons other than Palestinian Arabs were prohibited. In the second zone, Palestinian Arabs were forbidden to transfer their land except to another Palestinian Arab or with the specific approval of the High Commissioner. No restrictions were placed upon the transfer of land in a third and smaller zone, including a considerable part of the coastal plain and all municipal areas. These Regulations, although intended to give effect to the land clauses of the 1939 White Paper, had been drafted before that statement of policy was prepared, with the intention that they should replace earlier and defective legislation for the protection of cultivators.

114. When the five-year period of continuing Jewish immigration contemplated in the White Paper came to an end in the spring of 1944, it was found that owing to the great difficulties in the way of escape from Hitler's Europe, the 75,000 certificates had not all been utilised. It was decided that it would be inequitable in these circumstances to withhold the residue of 24,000 certificates, the time limit of which was accordingly waived. From the 1st October, 1944, a monthly rate of immigration was fixed, at the figure of 1,500 a month. When the 75,000 certificates were finally exhausted, at the end of 1945, it was decided that this monthly rate should be maintained pending the report of the Anglo-American Committee of Enquiry, which was then starting its work. Immigration is still proceeding at this rate.

115. The regulation of Jewish immigration into Palestine has been greatly
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complicated, since before the outbreak of war, by attempts to organise the unauthorised entry of large bodies of immigrants. During the war it was more than ever imperative that the Administration should resist this threat to its authority, since the shiploads of refugees came from inside Axis-controlled Europe and offered an opportunity for the infiltration of enemy agents. In November 1940, it was decided that illegal immigrants would be deported to an alternative place of refuge in the Colonial Empire. The first contingent of deportees under this policy was assembled on board the S.S. Patria in Haifa harbour. The Patria, however, was scuttled at her moorings on the 25th November, as a result of sabotage by Jewish sympathisers ashore, with the loss of 252 lives. Numbers of illegal immigrants were subsequently deported to Mauritius; they were admitted to Palestine in 1945.

116. In a statement of immigration policy issued on the 31st January, 1946, the High Commissioner announced that, within the quota of 1,500 a month:

"Preference will be given to those European Jews who have a special claim such as those to whom the Palestine Government have already undertaken obligations, and relatives in Europe of Jews already established in Palestine. Illegal immigrants will of course continue to be deducted from quotas".

The intensification of the traffic in illegal immigrants, which was resumed on a substantial scale towards the end of 1945, made it impossible for the Administration fully to apply its system of preferential categories. In the period between the 15th December 1945 and the 14th March 1947, no less than 13,989 illegal Jewish immigrants were permitted to settle in Palestine; an equivalent number was accordingly deducted from the quotas.

117. In the summer of 1946 the inflow of illegal immigrants reached such dimensions that it was no longer possible to accommodate them in camps in Palestine. It was therefore decided, in August, that future shiploads would be transferred on arrival to British ships and taken to camps in Cyprus. Since December 1946 the monthly quota has been allocated as follows: 50 per cent to the illegal immigrants in Cyprus; of the remaining 750 certificates, approximately 100 to the wives and minor children of residents in Palestine; the rest divided equally between parents of Palestinian residents and Jews in the camps for displaced persons in the British Zone of Germany.

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118. The lull in terrorist activity did not continue throughout the war years. The Jewish community resented the Land Transfers Regulations and the measures taken against unauthorised immigration. In 1942 a small group of Zionist extremists, led by Abraham Stern, came into prominence with a series of politically motivated murders and robberies in the Tel Aviv area. In the following year there came to light a widespread conspiracy, connected with Hagana (an illegal military formation controlled by the Jewish Agency), for stealing arms and ammunition from the British forces in the Middle East. In August, 1944, the High Commissioner narrowly escaped death in an ambush outside Jerusalem. Three months later, on the 6th November, the British Minister of State in the Middle East (Lord Moyné) was assassinated in Cairo by two members of the Stern group. A third illegal Jewish organisation, the Irgun Zvai Leumi, was responsible for much destruction of Government property during 1944. These various outrages were condemned by the official spokesmen of the Jewish community.

119. Terrorism, however, continued unabated. In June, 1946, a number of Jewish leaders, including members of the Executive of the Jewish Agency, were arrested and interned, on evidence that Hagana, which was under the Agency's control, was to some extent associated with the two terrorist organisations - Irgun Zvai Leumi and the Stern group. On the 22nd July, the campaign conducted by these two organisations reached its climax with an explosion which wrecked a wing of the King David Hotel in Jerusalem, containing the offices of the Government Secretariat, and killed a hundred public servants, Arab, Jewish and British.

120. Later activities of the terrorist organisations have included the kidnapping of a British judge and of British officers, sabotage of the railway system and of oil installations at Haifa, and the blowing up of a British Officers' Club in Jerusalem.

121. The war gave rise to inflationary conditions in Palestine. The volume of currency in circulation increased from £6,574,000 in 1939 to £41,517,000 at the end of March, 1945. Public revenue, for the year 1944-45, reached the figure of £17,497,000. Imports and exports, in 1944, totalled £36,224,000 and £14,638,000 respectively.

122. These figures reflected a substantial military expenditure incurred / in Palestine

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in Palestine by British and Allied forces in the Middle East, together with an expansion of economic activity caused by the severance of normal trade routes and the large measure of autarchy which was consequently imposed on the Middle Eastern area. Various new industries were developed in Palestine, agricultural production was abnormally stimulated, and both communities benefited from the resulting prosperity. The negative effects of the dislocation caused by the war were felt principally in the citrus industry. In 1942-43 citrus exports fell to less than 5,000 cases, as compared with more than 15,000,000 in 1938-39. The citrus groves, however, were for the most part kept in good condition with the aid of Government loans, and the industry is now recovering its markets. During the war years diamonds, cut and polished in Palestine, replaced citrus fruits as the country's most valuable export. This all-Jewish industry, first established in Palestine in 1939, produced exports to the value of nearly £6,000,000 in 1945.

123. The total population of Palestine is now approximately 1,900,000, the Jews being estimated at 650,000. The numbers of Jewish immigrants entering Palestine from 1937 to 1946 are shown in the following table:

1937	10,536
1938	12,868
1939	16,405
1940	4,547
1941	3,647
1942	2,194
1943	8,507
1944	14,464
1945	12,751
1946	17,761

Despite the smaller volume of immigration, the Jewish National Home continued to expand. By the end of 1944, the number of Jewish agricultural settlements had risen to 259, with a total population of 139,000. A year earlier, the capital invested in Jewish industry amounted to £20,523,000. It is calculated that the Jewish community paid approximately 63 per cent of all the taxation collected by the Palestine Government in 1944-45.

124. Meanwhile the Arab standard of life continued to improve. This was best demonstrated by the continuing decline of mortality, owing to greater prosperity and increasing medical facilities. The mortality rate of the Palestine Moslems fell by 30 per cent between 1927-29 and 1942-44, with the result that the average expectation of life at birth rose, for Moslem males

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The Anglo-American Committee of Enquiry.

126 When the second World War came to an end in 1945, it was not possible for the mandatory Power to proceed in Palestine along the lines indicated in the White Paper of 1939. The League of Nations, to which that document was to have been submitted for approval, no longer existed. And the tragic fate of the Jewish people in Europe had created a demand that the Palestine problem should be examined again in relation to the needs of the survivors of racial persecution.

127. This demand was strongest in the United States. In July, 1945, President Truman wrote to Mr. Attlee suggesting that the concession of 100,000 immigration certificates for Palestine would be an important contribution to the settlement of displaced European Jews.

128 His Majesty's Government could not adopt this proposal, which would have involved taking a major decision on policy in Palestine before the future of that country had been fully reconsidered in the light of post-war circumstances. They accordingly obtained the agreement of the United States Government to the appointment of an Anglo-American Committee of Enquiry, with the following terms of reference:

1. TO EXAMINE POLITICAL, economic and social conditions in Palestine as they bear upon the problem of Jewish immigration and settlement therein and the well-being of the peoples now living therein.
2. TO EXAMINE THE POSITION of the Jews in those countries in Europe where they have been the victims of Nazi and Fascist persecution, and the practical measures taken or contemplated to be taken in those countries to enable them to live free from discrimination and oppression and to make estimates of those who wish or will be impelled by their conditions to migrate to Palestine or other countries outside Europe.
3. TO HEAR THE VIEWS of competent witnesses and to consult representative Arabs and Jews on the problems of Palestine as such problems are affected by conditions subject to examination under paragraph 1 and paragraph 2 above and by other relevant facts and circumstances, and to make recommendations to His Majesty's Government and the Government of the United States for ad interim handling of these problems as well as for their permanent solution.

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admission of 100,000 Jews into Palestine has been unanimously endorsed by the Anglo-American Committee of Enquiry. The transference of these unfortunate people should now be accomplished with the greatest despatch I am also pleased that the Committee recommends in effect the abrogation of the White Paper of 1939 including existing restrictions on immigration and land acquisition to permit the further development of the Jewish national home ... In addition to those immediate objectives the report deals with many other questions of long-range political policies and questions of international law which require careful study and which I will take under advisement."

131 On the following day the Prime Minister, in a statement to the House of Commons, made it clear that His Majesty's Government could not agree to decide upon the Committee's recommendations concerning immigration in advance of their general decision on the Report. "The Report", he said, "must be considered as a whole in all its implications". He also stated the Government's conclusions that they were not in a position to give effect to the Report with their own financial and military resources alone, and that the disbandment and disarmament of illegal military formations in Palestine would be an essential precondition to the admission of the 100,000 immigrants.

132 The Report was examined at meetings between British and American officials in London during June and July. The two Delegations of officials reached full agreement on the terms of a report to their Governments. Taking as their starting point the third (constitutional) recommendation of the Anglo-American Committee quoted in paragraph ¹²⁹ above, they advocated as the means for putting this recommendation into effect a plan for provincial autonomy.

133 Under this plan, the greater part of Palestine would be divided into an Arab and a Jewish province, the latter including almost the entire area on which Jews had already settled together with a considerable area between and around the settlements. Each ~~of these~~ provinces would have an elected legislature and an executive, with a wide range of functions including control over land transfers and the power to limit immigration. Jerusalem and Bethlehem, together with the Negeb (defined as the uninhabited triangle of waste land in the south of Palestine) would remain under the / direct

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direct control of the Central Government.

134 The Central Government would be exercised by the British High Commissioner, with a nominated Executive Council. It would have exclusive authority in questions of defence, foreign relations, customs and excise, and initially in the administration of law and order. It would also have all powers not expressly granted to the provinces.

135 Outlining the plan in the House of Commons, Mr. Herbert Morrison claimed that it:

"would greatly simplify the problem of Jewish immigration into Palestine. Though final control over immigration would continue to rest with the Central Government, this control would be exercised on the basis of recommendations made by the Provincial Governments. So long as the economic absorptive capacity of the province was not exceeded, the Central Government would authorise the immigration desired by the Provincial Governments. It would have no power to authorise immigration in excess of any limitations proposed by the Provincial Governments. Thus, though the Government of the Arab Province would have full power to exclude Jewish immigrants from its Province, the Jewish Province would normally be able to admit as many immigrants as its Government desired. As part of this plan, the experts suggest that it would become possible to accept the recommendation of the Anglo-American Committee for the immediate admission of 100,000 Jewish immigrants into Palestine, and for continuing immigration thereafter".

136 It was the intention of His Majesty's Government that, if agreement could be reached on the basis of this plan, it would be embodied in a trusteeship agreement. In the long run, the way would be left open for development either towards an independent federal State or towards partition. If partition was the outcome, its character would be governed by the provision that the boundaries of the Arab and Jewish Provinces could not be modified except by mutual consent.

137 On the 25th July His Majesty's Government approved in principle the policy recommended by the British and American officials, as a basis for negotiation with Arabs and Jews.

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138 The United States Government, however, was not prepared to associate itself with this effort to obtain agreement on the basis of the recommendations made by the two Delegations of officials.

The London Conference, 1946-47.

139. The States Members of the Arab League, on receiving from His Majesty's Government and the United States Government requests for their views on the Report of the Anglo-American Committee, had met in conference at Bludan in Syria. Each of the Arab Governments subsequently addressed to His Majesty's Government, in addition to a note containing comments on the Committee's recommendations, a further note inviting the British Government to negotiate "for the conclusion of an agreement which will put an end to the present situation in Palestine and transform it into one in conformity with the provisions of the Charter and agreeable with its aims". The Arab Governments further suggested that the Conference should be convened in time "to conclude a complete and satisfactory agreement before the next Session of the General Assembly to be held in September, 1946". It had been the intention of His Majesty's Government, in accordance with pledges given at various times, to consult the interested parties before reaching a final decision on their policy in Palestine. In conformity with this intention, the Report of the Anglo-American Conference of officials provided that its proposals, if adopted by the two Governments, "should be presented to Arab and Jewish representatives as a basis for negotiations at a Conference to be convened by the United Kingdom Government".

140 Invitations to a Conference in London were issued on 25th July to the Governments of the States Members of the Arab League, to the Jewish Agency for Palestine and to the Palestine Arab Higher Committee. Other prominent Palestinian Arabs, the Secretary General of the Arab League and representatives of Jewish opinion in the United Kingdom and in Palestine were invited subsequently.

141 The Conference opened on 9th September - attended by representatives of all the independent Arab States, together with the Secretary ^{General} of the Arab League. Neither the Jews nor the Palestinian Arabs were represented.

142 The British Delegation put the provincial autonomy plan before the / Conference

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Conference as the first item for discussion. The Arab Delegates at once made it clear that they were opposed to this plan in principle and could not accept it as a basis for discussion. They criticised many of its features; but it was clear that, fundamentally, their rejection of this solution was based on their conviction that any scheme of provincial autonomy would inevitably lead to Partition.

143 The British Delegation had at the outset stated that His Majesty's Government were not finally committed to the provincial autonomy plan and were willing to consider any alternative proposals which might be put forward. When it became clear that the Arab Delegates were unanimous in their opposition to the provincial plan and were unwilling to discuss it in detail, they were invited to explain what alternative proposals they had for dealing with the problem.

144 In response to this invitation the Arab Delegations pro-
posed their solution, the main features of which were the following:

- (a) Palestine would be a unitary State with a permanent Arab majority, and would attain its independence as such after a short period of transition (two or three years) under British Mandate.
- (b) Within this unitary State, Jews who had acquired Palestinian citizenship (for which the qualification would be ten years' residence in the country) would have full civil rights, equally with all other citizens of Palestine.
- (c) Special safeguards would be provided to protect the religious and cultural rights of the Jewish community.
- (d) The sanctity of the Holy Places would be guaranteed and safeguards provided for freedom of religious practice throughout Palestine.
- (e) The Jewish community would be entitled to a number of seats in the Legislative Assembly proportionate to the number of Jewish citizens (as defined) in Palestine, subject to the proviso that in no case would the number of Jewish representatives exceed one third of the total number of members.

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- (f) All legislation concerning immigration and the transfer of land would require the consent of the Arabs in Palestine as expressed by a majority of the Arab members of the Legislative Assembly.
- (g) The guarantees concerning the Holy Places would be alterable only with the consent of the United Nations; and the safeguards provided for the Jewish community would be alterable only with the consent of a majority of the Jewish members of the Legislative Assembly.

145 It was the Arab plan that a democratic constitution on these lines should be brought into being during the transition period. The first step would be for the High Commissioner to establish, by nomination, a Provisional Government consisting of seven Arabs and three Jews; and this Government would arrange for the election of a constituent assembly, which would be charged with the task of drawing up, within six months, a detailed constitution consistent with the general principles outlined above. If the Constituent Assembly failed to complete its work within the prescribed period of six months, the Provisional Government would itself promulgate a constitution. This was intended to ensure that the scheme could proceed even in the face of a Jewish boycott. Subject to the observance of certain wide directives, the constitution would not be subject to mandatory veto. When the constitution had been adopted, a Legislative Assembly would be elected and the first Head of the Independent Palestine State would be appointed. The High Commissioner would then transfer his authority to the Head of the State, and a Treaty would be concluded defining the future relations between His Majesty's Government and the Government of Palestine.

146 The Anglo-Arab Conference was adjourned at the beginning of October, in order to permit certain of the Delegates to attend the United Nations General Assembly and the Council of Foreign Ministers. The Conference did not re-assemble until the 27th January.

147 During this recess, the Zionist Congress met at Basle, and denounced the plan for provincial autonomy as "a travesty of Britain's obligations under the Mandate", unacceptable even as a basis for discussion. It would prevent the settlement of Jews in the greater part of Palestine,

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while denying them independence even in the territory allocated to the Jewish Province. The Congress also recorded its opposition to any trusteeship superseding the mandate and postponing the establishment of the Jewish State. Another resolution declared that the Zionist movement could not "in the existing circumstances" participate in the London Conference. The Congress re-affirmed its political programme in the following terms:

- "(i) that Palestine be established as a Jewish Commonwealth integrated in the structure of the democratic world;
- "(ii) that the gates of Palestine be opened to Jewish immigration;
- "(iii) that the Jewish Agency be vested with the control of immigration into Palestine, and with the necessary authority for the upbuilding of the country."

148 When the Anglo-Arab Conference resumed its work in January, 1947, representatives of the Jewish Agency engaged in parallel but informal conversations with His Majesty's Government. In the course of these conversations, they put forward three suggestions. In the first place they asked that Palestine should become a Jewish State. They added that, if no decision could yet be taken as to the ultimate status of Palestine, Jewish immigration should be permitted up to the full extent of the country's economic absorptive capacity and no part of the country should be closed to Jewish land purchase and settlement. Finally they indicated that they would be prepared to recommend acceptance of "a viable Jewish State in an adequate area of Palestine."

149 On the 7th February, 1947, the British Delegation at the Anglo-Arab Conference submitted new proposals, which were also communicated to the Jewish Agency. These provided for a five-year period of British trusteeship over Palestine, with the declared object of preparing the country for independence.

150 The proposed terms of trusteeship would include provision for a substantial measure of local autonomy in areas so delimited as to include a substantial majority either of Jews or of Arabs. The High Commissioner would retain responsibility for protecting the minorities in these areas.

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At the centre, the High Commissioner would endeavour to form a representative Advisory Council. At the end of four years, a Constituent Assembly would be elected. If agreement was reached between a majority of the Arab representatives and a majority of the Jewish representatives in this Assembly, an independent State would be established without delay. In the event of disagreement, the Trusteeship Council of the United Nations would be asked to advise upon future procedure.

151 It was the view of the British Delegation that "any provisions made for future Jewish immigration must rest upon consideration for the well-being of Palestine as a whole". With this end in view, the trusteeship agreement would provide for the admission of 96,000 Jewish immigrants during the first two years of its operation. Thereafter the rate would be determined, with due regard for the principle of economic absorptive capacity, by the High Commissioner in consultation with his Advisory Council. In the event of disagreement, the final decision would rest with an arbitration tribunal appointed by the United Nations.

152 His Majesty's Government considered that these proposals were consistent with the terms both of the League Mandate and of Article 76 of the United Nations Charter. They also looked forward to an early termination of the trust:

"His Majesty's Government are not prepared to continue indefinitely to govern Palestine themselves merely because Arabs and Jews cannot agree upon the means of sharing its government between them. The proposals contained in the present Memorandum are designed to give the two peoples an opportunity of demonstrating their ability to work together for the good of Palestine as a whole and so providing a stable foundation for an independent State."

153 The latest British proposals were rejected both by the Arab Delegations (which included, at the second part of the London Conference, a Delegation representing the Palestine Arab Higher Committee), and by the Jewish Agency for Palestine. Thereupon the Mandatory decided to refer the problem to the United Nations.

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GOVERNMENT OF PALESTINE

Memorandum on the Administration of Palestine
under the Mandate

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GOVERNMENT OF PALESTINE

Memorandum on the Administration of Palestine under the Mandate

The Occupied Enemy Territory Administration for the whole of Palestine was instituted in October, 1918; it was replaced by a civil administration on the 1st July, 1920. The Mandate for Palestine was approved by the Council of the League of Nations on the 24th July, 1922, (although it did not officially come into force until the 29th September, 1923). In the period between the establishment of effective British control over Palestine and the adoption of the Mandate, detailed consideration had been given to the form of administration necessary to give effect to the bi-partite obligation of His Majesty's Government under the Balfour Declaration of 1917 as to which specific provisions were to be embodied in the Mandate.

2. The policy of His Majesty's Government to that end was outlined in the statement of "British Policy in Palestine" published by Mr Winston Churchill (then Secretary of State for the Colonies) in June, 1922. The statement (pages 17—21 of Cmd. 1700) gives the following interpretation of the Balfour Declaration, which it explicitly re-affirmed:

"Unauthorised statements have been made to the effect that the purpose in view is to create a wholly Jewish Palestine. Phrases have been used such as that Palestine is to become "as Jewish as England is English". His Majesty's Government regard any such expectation as impracticable and have no such aim in view They would draw attention to the fact that the terms of the Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded in Palestine Further, it is contemplated that the status of all citizens of Palestine in the eyes of the law shall be Palestinian, and it has never been intended that they, or any section of them, should possess any other juridical status

When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognized to rest upon ancient historic connection."

The Jewish community in Palestine, as then constituted, is described as having in fact 'national' characteristics. For the fulfilment of His Majesty's Government's policy, the statement explained, it was necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. This immigration could not be so great in volume as to exceed whatever might be the economic capacity of the country at the time to absorb new arrivals. It was essential to ensure that the immigrants should not be a burden upon the people of Palestine as a whole, and that they should not deprive any section of the present

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population of their employment. The statement further intimated that it was the intention of His Majesty's Government to foster the establishment of a full measure of self-government in Palestine but that they were of the opinion that, in the special circumstances of the country, this should be accomplished by gradual stages and not suddenly.

3. The preamble to the Mandate, in stating that the Principal Allied Powers had agreed under Article 22 of the Covenant of the League of Nations that His Majesty's Government should be the Mandatory responsible for putting into effect the Balfour Declaration, recited the terms of the Declaration. The Mandate then defined explicitly certain of the measures to be undertaken by the Mandatory for the fulfilment of its responsibilities. It is unnecessary here to recite these in full but certain of the Mandate's provisions which more particularly affect the faculties of the local government should be noted. Article 2 vests in the Mandatory the responsibility for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion. Article 3 provides for the encouragement of local autonomy in so far as circumstances permit. Article 4 provides for the recognition of an appropriate Jewish agency "as a public body for the purpose of advising and cooperating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country". Article 6 provides that, while ensuring that the rights and position of other sections of the population were not prejudiced, the Administration of Palestine should facilitate Jewish immigration under suitable conditions and should encourage, in co-operation with the Jewish agency mentioned in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes. The Administration of Palestine is required under Article 7 to enact a nationality law which includes provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine. In Article 11, it is provided that the Administration of Palestine shall take all necessary measures to safeguard the community in connection with the development of the country and that, subject to any international obligations applicable, it shall be empowered to provide for public ownership or control of any of the natural resources of the country or of any of the public works, services or utilities established or to be established. This Article also provides for the introduction of a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land. Articles 13 to 15 deal with the Mandatory's responsibilities for safeguarding the Holy Places and freedom of conscience. Article 15 provides that the right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired. Article 18, in laying down the principle that there shall be no economic discrimination in Palestine as between the nationals of States, Members of the League of Nations, provides that there shall be no discrimination against goods originating in or destined for any of the said States. Article 22 provides that English, Arabic and Hebrew shall be the official languages of Palestine; that any statement or inscription in Arabic on stamps or money shall be repeated in Hebrew and any statement or description in Hebrew shall be repeated in Arabic. Article 25 makes provision for the separate treatment of Trans-Jordan.

4. Thus, the Mandate imposed both general and specific obligations; the former in respect of the development of Palestine in the interest of its people as a whole; and the latter directed mainly towards facilitating the development of the Jewish National Home. The administration of Palestine has been based on the premise that the two sets of obligations are compatible. As the Royal Commission observed in paragraph 50 of chapter II of their report: "It is clear, then, that the policy of the Balfour Declaration was subjected to the operation of the Mandate System in 1919 in the belief that the obligations thereby undertaken towards the Arabs and the Jews respectively would not conflict. And this belief was still held when the draft Mandate was confirmed by the Council of the League in 1922".

In discussing in 1924 the "twofold duty" imposed by the Mandate, however, the Permanent Mandates Commission pointed out that the obligation to promote the establishment of a National Home for the Jewish people in addition to that of administering the country in conformity with the interests of the population as a whole resulted in the creation of a "conflict of interests" between which the balance had to be held. It will be evident

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that since the responsibility for holding the balance rested on the Mandatory the necessity of doing so inevitably had its effect in shaping the administration in all its branches. In 1930, when speaking on the report of the Shaw Commission on the 1929 disturbances, the Prime Minister re-iterated "the firm resolve of His Majesty's Government to give effect, in equal measure, to both parts of the (Balfour) Declaration, and to do equal justice to all sections of the population of Palestine". In 1931, in addressing Dr Weizmann on the subject of the White Paper of 1930, the Prime Minister wrote: "In carrying out the policy of the Mandate, the Mandatory cannot ignore the existence of differing interests and viewpoints. These, indeed, are not in themselves irreconcilable, but they can only be reconciled if there is a proper realisation that the full solution of the problem depends on an understanding between the Jews and the Arabs. Until that is reached, considerations of balance must inevitably enter into the definition of policy". Again in 1939, following the decision that the partition scheme advocated by the Royal Commission was impracticable, His Majesty's Government expressed the view that "the surest foundation for peace and progress in Palestine would be an understanding between the Arabs and the Jews" and, in a determined effort to promote such an understanding, convened the London Conferences with Arab and Jewish representatives in that year. When, on the failure of the Arab and Jewish delegations to accept the proposals of His Majesty's Government, the White Paper of 1939 (Cmd. 6019) was promulgated with the object of providing a clear definition of policy and objectives, it pointed out that it was essential for the establishment of an independent Palestine State (which His Majesty's Government desired to see) that relations between the Arabs and the Jews became such as would make good government possible. The purpose of His Majesty's Government, the statement ended, "is to be just as between the two peoples in Palestine whose destinies in that country have been affected by the great events of recent years, and who, since they live side by side, must learn to practise mutual tolerance, goodwill and co-operation. In looking to the future, His Majesty's Government are not blind to the fact that some events of the past make the task of creating these relations difficult; but they are encouraged by the knowledge that at many times and in many places in Palestine during recent years the Arab and Jewish inhabitants have lived in friendship together. Each community has much to contribute to the welfare of their common land, and each must earnestly desire peace in which to assist in increasing the well-being of the whole people of the country". Lastly, in his statement in the House of Commons on the 13th November, 1945, the Foreign Secretary, after drawing attention to the dual obligation imposed by the Mandate, outlined the problem thereby created and the policy adopted, in the following words: "His Majesty's Government have made every effort to devise some arrangements which would enable Arabs and Jews to live together in peace and to co-operate for the welfare of the country, but all such efforts have been unavailing. Any arrangement acceptable to one party has been rejected as unacceptable to the other. The whole history of Palestine since the Mandate was granted has been one of continued friction between the two races, culminating at intervals in serious disturbances. The fact has to be faced that since the introduction of the Mandate it has been impossible to find common grounds between the Arabs and the Jews. The differences in religion and in language, in cultural and social life, in ways of thought and conduct, are difficult to reconcile. On the other hand, both communities lay claim to Palestine, one on the ground of a millenium of occupation, and the other on the ground of historic association coupled with the undertaking given in the first world war to establish a Jewish home. The task that has to be accomplished now is to find means to reconcile these divergencies".

5. The major problem of reconciliation which confronted the Mandatory is shown in the foregoing recapitulation. Translated into terms of practical administration the task was to establish a regime in Palestine under which it would be practicable to induce a sufficient degree of co-operation between Arabs and Jews as to bring into synthesis the furtherance of the well-being and development of both peoples as a whole and the development of the National Home. It entailed the setting up of a form of government which would bring about the rapid advancement of a population generally backward, by any standard, at the time of the occupation. It entailed, simultaneously, a regime under which the rapid assimilation of immigrants, heterogeneous as to provenance, was practicable. The paramountcy of law had to be established and maintained in a country for long accustomed to the arbitrary exercise of sovereign authority which had marked the decline of the Ottoman Empire. Actual disorders had to be suppressed. The elements of liberalism and the rules of life without whose observance a liberal regime cannot develop had to be impressed on a population, immigrant and otherwise, which, unhappily, had little practical experience of them. The administrative system had to be such as would facilitate the realization of the National Home and at the same time the steps taken to that end must be consistent with an administrative

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system working for the well-being and development of the people as a whole. All these matters are predicated by Article 2 of the Mandate but in any event are basic to the assumption of the Mandate and the fitting of the people of Palestine to govern themselves. In addition the administration had to carry out the specific provisions of the Mandate. For the effective carrying out of the general task and the specific obligations co-operation between Arabs and Jews in Palestine is essential. It was presumed that in the system of administration established the co-operation of the two peoples to work towards a common end would be secured. That this expectation has not been realized is attributable to a complex of factors including, but by no means confined to, those springing from politics, with some deriving from the Mandate itself.

6. The Arabs of Palestine are predominantly Moslem in religion. Generally speaking their outlook is Asiatic; they are traditionalist, and by Western standards are inclined to place the transcendental before the practical. Their pride in the possession of a common language affords a tie with all parts of the Arab world which is a factor which should not be underestimated. Although by tradition feudal, and hence somewhat lacking in cohesion, they were not, however, unaffected by the impulse to self-determination which made itself apparent in the provinces of the Ottoman Empire in the early days of the present century and this has left its mark on their political thought and conduct. As a people, to quote Lord Samuel in 1925, "the majority are illiterate, placid, and, as a rule, easily led by men in whom they have confidence: they are prone to fierce personal and family quarrels, and, like other Oriental peoples, are occasionally liable to be swept by passion or panic into excitement and unreasoning violence". The educated classes, the professional men, the wealthy and the travelled are responsive to and sensible of the qualities of western culture and have a manner of life derived from the western. The bulk of the Arab community is composed of peasants and small land-owners, hard-headed and stubborn and with a profound sense of attachment to the land.

The Jewish community in Palestine is homogeneous in tradition and in the depth of feeling in regard to Palestine thus inspired, and is steadily approaching homogeneity in language. Despite a far greater uniformity of social conditions within the community, they are more diverse in their mental background than are the Arabs, because of their very different origins. In 1922, the majority of the Jewish community had been born in Palestine. In 1931, Jews born in Palestine constituted only 42% of the whole community and were almost equalled in numbers by Jews who had mainly migrated from the ghettos of territories formerly part of Tsarist Russia. The greatest single source of immigrants continued to be Poland until 1937, when the proportion from Germany exceeded that from Poland. The greater part of the balance in all years came from other countries of Europe. All these immigrants naturally brought with them something of the atmosphere of their countries of origin, not only culture and familiarity with the amenities of civilisation on the credit side, but on the debit side the obsessions and particularly the reactions to constituted authority engendered by persecutions and other abuses. Notwithstanding this background, the Jewish community has achieved a very substantial measure of cohesion. It speaks as the Yishuv. The Jews of Palestine are progressive in outlook, show marked ability in combining among themselves, and attach a high value to culture; ingenious and hard-working, they are yet impatient of the interval between the initiation and completion of enterprises. On the other hand, as heirs to previous insecurity they tend to be suspicious of authority, which is unfortunate though understandable; they are readily moved by rhetoric. The bulk of their community is town-dwelling.

As elements in a potentially self-governing Palestine, the Arabs and Jews had this much in common, that both had been subject, in vastly different circumstances, to regimes which suppressed manifestations of self-consciousness as Jewish or Arab nationalists respectively. It might have been assumed that this would lead each community to a better understanding of what would be required to establish co-operation with the other. This has not, however, been the case. Both communities wish to have self-government in Palestine; each wishes to be the governing element; and neither wishes to be governed by the other. The fear of domination by the other is deep and widespread in both communities. It is without doubt the most serious obstacle which has stood in the way of co-operation between them. It has not been, and is unlikely to be, eradicated by protestations of benevolence, however solemn, so long as these are not matched by tangible evidence of understanding for the other community's point of view.

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7. From the beginning of British administration, the Arabs of Palestine have refused to recognise the validity of the Balfour Declaration and this is the basis of what might paradoxically be described as their constitutional opposition to a régime designed to facilitate the establishment of the National Home in Palestine. As will be apparent, this rejection of the internationally sponsored pledge which provides the foundation for the up-building of Palestine according to the conceptions of the Mandate would, if maintained, preclude the Palestine Arabs from co-operating with the Jews in this work. The lack of a sense of proportion manifest in the rejection has not been overcome and has consistently closed the door to prospects of a settlement by agreement. The achievement of independence by Egypt and Iraq, Trans-Jordan and Syria and the Lebanon had its impact on the Arab community. Palestine is claimed as a wholly Arab country whose destinies are the primary concern of the Arabs; the Jews might live in the country, as they had long lived in Egypt or Iraq, as a minority community having Palestinian Arab citizenship; and so on. With such ebullience there has been mingled a sense of frustration because, in spite of the rejection of the Balfour Declaration, the National Home was established and has been growing. For behind the political formulas there is the fear of domination by the Jews: fear of their worldwide connections; fear of their extensive resources: fear of their enterprise and power of organization; fear of economic eclipse followed by political domination; fear of the submersion of the Arab characteristics, the Christian and Moslem characteristics of Palestine beneath the dominion of a people having a different religion and an alien structure of society.

8. The Jews, for their part, had accepted, through the agency of the Zionist Organization, the 1922 statement of policy to which paragraph 2 above refers. The very purpose for which the National Home was established prevented it from having a character other than Jewish and, other things apart, in particular prevented the assimilation of the culture of the Jewish community with that of the Arab population. The National Home came into being and grew on that basis. This need not in itself have precluded the finding by agreement of at least a temporary *modus vivendi* if the Arabs had not, during the earlier period, proved so intractable and if the Jewish economic system had been less exclusive racially. After the Jewish population had been more than doubled by immigration in the years 1932-1936 and when the cruel pressure of events in Europe was having its effect on the community in Palestine, the intransigent immoderation of the Jewish attitude was no less remarkable than that of the Arabs. The Jews unanimously and the greater part of the Arabs rejected the White Paper of 1939. By the formulation in 1942 of the Biltmore programme visualizing the establishment in Palestine of a Jewish commonwealth and unrestricted immigration and settlement in Palestine, and the acceptance of this programme by the greater part of the Yishuv, the prospect of co-operation between Arabs and Jews was in effect, if not in verbal profession, eliminated. It would oversimplify the matter to attribute this insistence on a Jewish commonwealth wholly to fear of domination by the Arabs although that fear is undoubtedly basic: it has been accentuated by the appalling destruction of Jews in Europe. Apart from that, the Jews had experienced in Palestine the reflection of anti-Jewish violence in Europe. Virulent anti-racial feeling was shown in the riots of 1920, 1921 and 1929 and Jews were murdered for being Jews during the 1936-1939 rebellion. In countries frequently held out by the Arabs as exemplary in the matter of Arab-Jewish relations outrages against the Jews as such occurred: in Iraq in 1941; in Egypt and Tripoli in 1945. Beyond even this highly tragic background there is probably a psychological dread of the extinction of the Jewish people, witness the constant concern of the Yishuv with their birthrate.

9. Despite the evident antithesis in the League of Nations' objectives and the wide divergence between the Jewish and Arab outlook on Palestine already apparent in 1922, the Mandate did not apply itself to the principles of bridgebuilding. In fact, it did not make specific provision for covering the gap. Instead, it established and, indeed, tended to accentuate a measure of differentiation between the Jewish community and the rest of the population of Palestine. This does not of course refer to such provisions as that making the Mandatory responsible for placing the country under political, administrative and economic conditions which would secure the establishment of the Jewish National Home; or that which requires the Mandatory to facilitate Jewish immigration: these flow naturally from the preamble and are implicit in it. The Mandate, while vesting in the Mandatory responsibility for the general well-being of the people of Palestine and the general development of the country and for safeguarding "the civil and religious rights of all the inhabitants of Palestine" and ensuring that the rights and positions of other sections of the population are not prejudiced by Jewish immigration and close settlement on the land, established a body—the "appropriate Jewish agency"—in a special position in regard to matters affecting the National Home and the interests of the Jewish community. Again, while Article 11 of the

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Mandate requires the Administration to order the general land system in such a way as to promote close settlement and intensive cultivation of the land, Article 6 requires that the close settlement of Jews on the land shall be encouraged in co-operation with the Jewish agency and specifically mentions State lands in this context. The provisions of the Mandate regarding community schools (Article 15) and the use of three official languages (Article 22), while making no special distinction in relation to the Arab or Jewish communities, have tended to stimulate separatist tendencies. The factors mentioned above are not all of equal weight, nor would they necessarily have implied the continuance of a bifurcated form of development had the cleavage between the Arab and Jewish inhabitants of Palestine been due to them alone.

10. The establishment of an appropriate Jewish agency to advise and co-operate with the Administration in matters affecting the Jewish National Home and the interests of the Jewish population in Palestine should have been a measure of substantial assistance to the Administration. Where the Jewish Agency (as recognized in 1930) has limited itself to this role, as for example in the administration of immigration and in the establishment of the agricultural research station at Rehovoth, it has rendered substantial assistance to the Administration. If, having extended its role to take in the functions of a kind of unofficial "opposition", it had carried out those functions in a manner consistent with its primary duties of advising and co-operating with the Administration, it would still have been of assistance in this way. There is usually room for two or more opinions in any matter arising out of the Mandatory's dual obligation in Palestine and their discussion, if followed by co-operation after the eventual decision, could have been a strong cohesive force. In fact, however, the Jewish Agency has not observed its terms of reference and has thus increased the element of disproportion given to the affairs of Palestine by the signaling of a Jewish agency in a special constitutional position.

11. In the first place, quite apart from any activities of the Jewish Agency, the creation of a distinctive body of this kind has intensified Arab antagonism to the policy of the Mandate. The 1922 statement of policy made it clear that the special position in Palestine given to a Jewish agency by Article 4 of the Mandate "does not entitle it to share in any degree in its Government". This was the intention but, as the Royal Commission pointed out, "allied as it is with the Va'ad Leumi, and commanding the allegiance of the great majority of the Jews in Palestine, it unquestionably exercises, both in Jerusalem and in London, a considerable influence on the conduct of the Government In the course of time it has created a complete administrative apparatus. This powerful and efficient organization amounts, in fact, to a Government existing side by side with the Mandatory Government". Beside the obvious administrative difficulties which must derive from any such anomaly, the existence of a body with the *de jure* status and *de facto* authority of the Jewish Agency creates a disparity between the position of Arabs and Jews. This served further to harden Arab opposition to Zionist enterprise in Palestine. The specific mention of the Jewish Agency in relation to settlement on the land, taken in conjunction with the Agency's known intention of bringing to Palestine as many Jews as the country would hold, not only made the Arabs highly suspicious of Jewish rural development, but, by rousing this suspicion, retarded the Government's land policy. An attempt in 1923 to form an Arab agency failed because the Arabs considered it incompatible with their claims.

12. Article 4 of the Mandate was framed on the assumption that there would be a legislative body in Palestine containing elected representatives of both local communities. The attempts to form such a body failed, in 1922 because of Arab objection and in 1936 because of Jewish objection. A representative body of the kind, constitutionally charged with a share in the responsibility of administration, would have gone far to restore due proportion to the administrative structure of Palestine. It is necessary here to use the past tense (and it might have been that even 1936 would have been too late for an adjustment) since the original conception of a Jewish agency has not been realised and the present position of the Jewish Agency has been consolidated over many years. The Jewish Agency as constituted represents not only the Jewish community in Palestine but Zionists throughout the world. Hence, its influence and resources greatly exceed those of any local body. (This was implicit in the Mandate). Where purely local factors are concerned, the position of the Jewish Agency is enhanced by the interlocking of the more important Jewish organizations. Co-ordination, in the Zionist interest, of the numerous forms of enterprise undertaken by these various bodies is a natural enough development. The concentration under the control of a dominant party of the resources in capital and organization of these bodies is, however, a factor of such weight as to strain severely the unitary form of administration designed to serve the country as a whole.

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13. Disparity as between Jews and Arabs has also been produced by the requirement in Article 15 that the right of each community to maintain its own schools for the education of its own members in its own language should not be denied or impaired. This is simply a statement of fact, not to be interpreted as impugning either the moral purpose or justification of the provision, nor as implying in any way that a people should not be encouraged to teach a proper appreciation of its inherited culture. If, however, this right is applied narrowly, and it has been applied narrowly, the cultural differences between Arabs and Jews are not only perpetuated but even widened. The regions of cultural activity in which common ground might be found are definitely narrowed by the co-existence of separate systems of community education. Without doubt, the training in a common culture of children with the very variegated background of those of the Jewish community has presented a complex and difficult problem. It is permissible, however, to question whether the minds of the rising generations of Jewish children have not been encaged rather than liberated towards further creative work by an undue concentration on nationalism of an assertive and exclusive quality in the community education system. However it may be assessed in relation to the establishment of the National Home, it has not made for good neighbourliness and the development of Palestine as a whole.

14. The same may be said of the prescription of three official languages. Here again it must be stressed that this is simply a statement of fact, in no way repudiating the principle that a people should have full liberty to develop its culture in its own language. It does not follow from that principle, however, that the language of each people should be an official language. Here the example of other bilingual or trilingual countries is misleading. Where the course of development of society in a bilingual or multilingual country is in any event centripetal, the number of official languages is unlikely to interfere with it. Where, however, the tendency is centrifugal, the recognition of a number of official languages accelerates the process. Palestine is in the second category. The recognition of Arabic and Hebrew as official languages not only reduces the opportunity for providing common ground between the two communities but enhances the opportunities for community chauvinism. The importance attached by the Arabs to their language has been mentioned in paragraph 6 above; the importance attached by the Jews to Hebrew as an instrument towards their national revival must not be underemphasised. In the purely practical sphere, however, in the search for means of bringing the two peoples to co-operate towards a common end, the concurrent use of the two languages with English as official languages is a drag. Administratively the practice is cumbersome; it slows the tempo of government work and greatly increases the expense; it is a serious impediment in gatherings representative of the whole community.

15. The elements making for fissure having been pointed out, it must be made clear that, in their despite, the application of the policy to which the opening paragraphs of this memorandum refer has resulted in the establishment of a common administrative framework within which both Arabs and Jews can live side by side. That relations between the communities within this common framework are uneasy and liable to produce more serious disorder, and that these conditions require cure, are not in doubt. Nevertheless, the generality of the people, except for the intermittent occasions when violent political storms have charged the atmosphere, carry on their day to day business of providing for themselves and their families without ado. So long as he respects his neighbour, the ordinary man may worship freely, carry out his work freely and seek his recreation freely. Since all this is a commonplace of civilised existence, its significance in relation to Palestine is to be appreciated in relation both to the discordant factors mentioned above and to the development of the country since the occupation.

16. The population has increased by more than one million since the census of 1922. The Jewish population has increased from 84,000 in that year to some 625,000 now—about one third of the population. This has entailed the rapid development of the country's resources and a re-orientation of the country's economy. The radical alteration in the pattern of the population over these twenty-three years has been accompanied by the introduction of a new culture, alien and in some aspects repugnant to the Arab majority. But it has been introduced and rooted itself and assisted in changing the face of Palestine. These changes have not been accomplished without friction, periodic disturbances and, in the last years before the war, widespread rebellion. The Administration has consistently had to deal not only with the inherited and individual turbulence of the Arab population, but with co-ordinated violence and organized lawlessness for political ends. The measures necessarily taken to deal with turbulence, violence and lawlessness, including in 1938-39 intensive military operations on a large scale, interfere with and slow down the development of the sense of incorporation in a common state and inflame hatreds, jealousies and discontents otherwise engendered.

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It is a population subject to these various influences that carries on its everyday avocations within the framework of the Administration.

17. The Government has, however, been generally unsuccessful in inducing Arabs and Jews to co-operate in public work for a common end. The failure of the two attempts to form a legislative body have already been noticed. Similar difficulties have latterly been encountered in the endeavour to form local representative bodies to deal with economic matters. The General Agriculture Council which contained equal numbers of Arab and Jewish members had an unbroken existence of over ten years and came to an end only because its main functions passed to other hands. The most signal example of co-operation is perhaps in the Citrus Control and Marketing Boards, established by law in 1940 and 1941 respectively. Both contain equal numbers of Arabs and Jews and have continued to maintain a singleness of purpose in dealing with the affairs of the citrus industry which has been most refreshing. In contradistinction a War Economic Advisory Council, again having equal numbers of Arab and Jewish members, proved a severe disappointment. In general, it had also contrived to take a broad view of matters falling under its consideration, but in 1945 the Arab members resigned on political grounds. In the same year it proved impracticable to form a united Palestine trade delegation to discuss business matters in the United Kingdom and independent Arab and Jewish delegations eventually went. In the same year it proved impracticable to form a representative Social Welfare Board because the Jewish community refused to co-operate. A joint Transport Advisory Board was, however, successfully formed. In local government affairs the situation has not been more encouraging. The mixed Jerusalem municipal council, after a precarious existence for some years, was dissolved in 1945 because of failure to achieve agreement as between Arabs and Jews on the question of the mayoralty. The mixed Haifa municipal commission, however, has successfully remained in operation since its appointment.

The main obstacle in the way of securing Arab and Jewish co-operation on public bodies has become the principle of "parity" i.e. numerically equal representation. The Jews generally maintain that the principle should be applied; the Arabs wholly reject it and maintain that representation should be proportionate to the numbers of each community. Whatever the merits or demerits of "parity" as a temporary political expedient, it is an artificial conception which would not provide a sound base for representative institutions. Again, whatever its merits or demerits, the principle has been found unworkable even when not adopted as a political expedient, as in the case of the War Economic Advisory Council.

18. Behind this manoeuvring over the proportions to be observed in representative institutions are the mutually irreconcilable aspirations of both sections of the population, as now advanced, and that basic fear of domination by the other already mentioned. Apart from any other considerations, the administration of the country as a whole in the interest of the whole has appeared to be the best means of allaying these stultifying mutual suspicions, of reconciling the legitimate aspirations of both communities. Since, in the holding of the balance as between the two parts of the mandatory obligation, it has been inevitable that the Administration should both curb and encourage both communities, it has seldom been free from contumacious imputations of partiality. Since the Jews have not acquiesced in the curbing of activities, as applied to themselves, and the Arabs in encouragement as applied to the Jews, the result has been to transfer to the Administration a large share of the suspicion deriving from fear of domination. This is particularly the case where the Jews are concerned, since the necessity imposed on the Administration from the occupation onwards of endeavouring to raise the Arab standard of living generally, to secure the improvement of the public health, to increase facilities for Arab education and to investigate Arab rights to the ownership or user of land and the rate of progress in giving effect to economic measures inescapably but regrettably lent colour to misrepresentation as a "pro-Arab" policy. On the other hand, the Arabs have not been slow to misrepresent the rate of progress in the provision of health and education services and in particular Government's economic and fiscal measures as attributable to a design to make the Arabs subservient to the National Home. Neither recognizes the extent to which their own unwillingness to compromise, impetuosity, lawlessness or violence has influenced the tempo of development not only in necessitating costly recurrent and emergency measures on the maintenance of law and order—costly not only in terms of money, but in lives, time and energy—but also in necessitating continual adjustment of administrative arrangements to maintain progress in the fulfilment of the dual obligation to Palestine as a whole and to facilitate the establishment of the National Home.

19. The Zionist achievement in Palestine to the present time is widely known and deservedly praised. As has been indicated above, the Jewish population has increased more

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than seven-fold during the quarter of a century covered. Large areas of land, once unused, misused or little used, have been brought into fruitful bearing. New standards of agriculture have been introduced. Towns and villages have been established up and down the country, including Tel Aviv, wholly Jewish and the largest town in Palestine. Drainage, clearing and cultivation have made healthy what were once unhealthy tracts. Hydroelectric energy has been developed by the Jordan and Yarmuk concessionaries who have also developed fuel power plants. The resources of the Dead Sea are being exploited by a concessionaire company founded on Jewish initiative. Industries have been established, notwithstanding the paucity of raw materials, covering a wide range of manufacture and having a gross output valued at some forty million pounds. Concurrently with all this development, great and successful efforts have been made to establish and maintain a reasonably high standard of living. The medical services established first by voluntary bodies such as the Hadassah Organization and later by the Kupat Cholim, a co-operative society, are extensive, providing a wide range of medical facilities and commanding a high degree of skill in their staff. The community education system, providing schooling for almost all Jewish children of school age and making provision for secondary education and technical and agricultural education, is topped by the Hebrew University in Jerusalem. Social welfare activities are highly organized and widespread through the community. In addition a great variety of cultural activities, theatres, museums, opera, orchestras and institutions to promote science and the arts have been established. In short, the Jewish community in Palestine is a bustling, thrusting people with manifold accomplishments, an individual character and a record of substantial achievement.

20. The effort, intelligence and devotion on the part of Jews which went to bring about this achievement are remarkable. This is not to say that it should not be surveyed in the round and evaluated in relation to the general well-being and development of the country as a whole. Underlying the Jewish structure is the Administration's foundation: the placing of the country under such political, administrative and economic conditions as would secure the establishment of the Jewish National Home while safeguarding the civil and religious rights of all the inhabitants. This does not mean only the maintenance of law and order, in the sense of policing and the administration of justice, but the whole complex of activities necessary for the establishment of a new society in a strange and unwelcoming environment. There is a common tendency, particularly among the Jews themselves, to think that the National Home as it stands to-day can be surveyed as if it came into being irrespective of these foundations or, indeed, that they are some parallel and imperfectly articulated structure which sprang up largely because of the growth of the National Home. In fact, however, the creation of conditions under which the National Home could be built and can continue to flourish is an essential part of the upbuilding and can no more be dissociated from it than the foundations from the house. The creation of these conditions was the work of the Mandatory Administration and the question now for examination is the extent to which this work has been facilitated or otherwise by the manner of construction of the National Home.

21. As has been said in paragraph 4 of this memorandum, the Mandate was framed on the assumption that the obligations imposed by it towards the Arabs and the Jews respectively were compatible. It seems permissible to consider that these obligations were deemed to be complementary and inseparable. Practically, the establishment of political, administrative and economic conditions which would secure the establishment of the Jewish National Home is the more difficult the more alien to its surroundings is the character of the Home. The greater the disparity between the conditions of the Jewish community and their neighbours, the greater the chance of friction. In any event, it is inconceivable that a civilised society consisting of a privileged group and a balance of hewers of wood and drawers of water should be deliberately constructed under international agreement. Lord Samuel, as first High Commissioner, saw this clearly. "It is the clear duty of the Mandatory Power" he wrote "to promote the well-being of the Arab population, in the same way as a British Administration would regard it as its duty to promote the welfare of the local population in any part of our Empire. The measures to foster the well-being of the Arabs should be precisely those which we should adopt in Palestine if there were no Zionist question and if there had been no Balfour Declaration. There is in this policy nothing incompatible with reasonable Zionist aspirations. On the contrary, if the growth of Jewish influence were accompanied by Arab degradation, or even by a neglect to promote Arab advancement, it would fail in one of its essential purposes. The grievance of the Arab would be a discredit to the Jew, and in the result the moral influence of Zionism would be gravely impaired". It is plain that, for the establishment of a sound policy, the advancement of the Arabs must be regarded in two aspects: by the measure of the community's advancement from former

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conditions and in relation to the advancement of the Jews. In the first aspect, Arab advancement has unquestionably been materially assisted by the establishment of the National Home. In the discrepancy between the Arab and Jewish economy caused by the manner of the growth of the National Home lies one of the most serious problems affecting the well-being of Palestine as a whole and hence of the National Home itself.

22. Jewish settlement and development in Palestine has depended to a great extent, on the material side, on the importation of large sums of money from abroad. The capital has been derived partly from donations and investments of well-wishers throughout the world and has been partly also the property of immigrants. (As will be recollected from the 1922 statement of policy it was anticipated from the beginning that the Jews in Palestine would be assisted by Jews throughout the world). Command of those resources empowered the Jewish community in Palestine to carry through their work of construction, health, education, other social services, town building and agricultural settlement without regard to the rate of general development. There were factors external to Palestine which imposed a strong psychological pressure towards acceleration of the rate of development of the National Home, as must be recognized to retain perspective, but nevertheless the basic fact remains that Jewish development outstripped general development. This is not to say that the progress of general development was not materially assisted by Jewish development. The increase in the country's prosperity which resulted from Jewish enterprise facilitated the financing of measures of general development. The improvement of sanitary conditions, the new urban amenities, the extension of communications and the establishment of new markets which resulted from Jewish effort benefited the Arab as well as the Jewish section of the population. Opportunities for employment were opened for Arabs as well as Jews. Nevertheless, the rate of Jewish development, and its character, continually imposed commitments on the authorities responsible for the advancement of the country as a whole which the resources of the country, even enhanced as they were by Jewish enterprise, have been inadequate to cover. It is not suggested that the Jewish effort should, or could, have been braked but it is stressed that the increasing disparity as between the conditions of the Arabs and Jews which it produced has very substantially added to the difficulties of the present problems of Palestine. The fact that the Jewish community has been able to command large sums of money from overseas imparts to its economy a character which the Arab economy does not possess. There is nothing in Arab society comparable with the powerful political organizations, economic corporations, labour federation and social service institutions of the Jews. Nor, since they are of a distinctly "national" structure and perform "national" functions, could a Government responsible for the well-being of the people as a whole properly reproduce them on a community basis even if it had the resources to do so. The task of the Government has been to regard the population as a whole and within this circumference to facilitate the growth of the National Home; to try to arrest and close rather than exaggerate and perpetuate the fissure between the two peoples.

23. It is not, however, to be inferred from anything that has gone before that the general development of the country by action on the part of the Administration has been more greatly to the benefit of one community than to the other, except in so far as it has facilitated the growth of the National Home. A very large programme of development has been required to bring Palestine from the material conditions in which it rested at the time of the occupation to the conditions of life to-day. The country was disease-ridden, underdeveloped, poverty-stricken; it had the scantiest facilities for education, virtually no industry and an indifferent agricultural régime. Internally it was given to lawlessness and it was open to the predatory attention of nomad bands from the desert. To make self-advancement possible and to open the way for private enterprise, State action in all these fields had been required. Moreover, there were the specific requirements of the Mandate, some coincident with, some supplementing these basic requirements. The scope of the action initiated to achieve both sets of objectives and the rate of progress have been conditional only on the financial resources available and at recurrent intervals by outbreaks of violence and political extremism which, apart from their direct effects on development, have also tied up an undue proportion of the financial resources.

24. The improvement in public health necessitated the institution of a Government organization which should concern itself primarily with measures of general concern, and in particular the control and eradication of endemic and epidemic diseases, and secondarily with the measures necessary to supplement the efforts of others, according to the greatest need, in the treatment of disease and the provision of general medical facilities. In the campaign against disease, especially malaria, the Government's activities have been materially supplemented by voluntary organizations, but in this field the spade work and routine have fallen upon the central authority. In the provision of medical facilities, notably hos-

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pital accommodation and the treatment of the sick, the Arabs have benefited more extensively than the Jews but fortuitously and because Jewish medical organisations have provided an elaborate and comprehensive service for that community which resorts to it by preference. Nevertheless, the system is administered for the benefit of all and its success, as strikingly illustrated in vital and medical statistics, touches all impartially. To make development possible and to facilitate in particular the promotion and expansion of industries, the country's communications have had to be vastly expanded and modernised. This, including the construction of the deep water port at Haifa, has been done to the general benefit of the country as a whole. Within the limitations imposed by Article 18 of the Mandate—and they have proved to be serious limitations—the customs tariff has been administered with the object of serving the best interests of the country as a whole and thus, in so far as is consistent with this general obligation, for the protection and encouragement of local industry and agriculture. In more direct relation to agriculture, the Government has undertaken the initiation, superintendence and execution of measures directed against the pests and diseases affecting crops and livestock but has principally been concerned with increasing productivity by the introduction of new types and strains and by inculcating improved methods. Here again, there has been much room for private enterprise but the foundations for the very substantial improvement in the country's agriculture which has taken place, notably over the last decade, have been laid by Government. In the field of education much has been done and much remains to be done. The elimination of illiteracy is clearly a matter of concern to the country as a whole since there can scarcely be the expectation of real understanding between a literate and an illiterate element in the community. In exercise of their undisputed right under Article 15 of the Mandate, the Jewish community has undertaken the resolution of the problem in so far as their own people are concerned. It has fallen upon the Government to undertake the major portion of the task where the Arabs are concerned. The Government system of public education, founded on the principle of equality of opportunity irrespective of means or class or any such consideration, has been expanded as rapidly as resources have allowed but still covers only some 57% of Arab boys of school age and 23% of the girls. Even if it had not been an integral part of the process of establishing and maintaining law and order, the provision of an adequate judicial system was specifically required by the Mandate. Further, the encouragement of local autonomy in accordance with Article 3 of the Mandate entailed the complete re-modelling of the system of local self-government with continuous supervision and tutelage in order that the bases for a fully representative and efficient system might be firmly laid.

25. The Zionist achievement in Palestine since the Mandate has been briefly outlined in paragraph 19 above; it is now necessary to touch on the achievement of the Arabs before passing to the two aspects of Government policy deriving from the acutely controversial problem of economic absorptive capacity. The Arab achievement cannot, any more than the Zionist, be considered out of the context of the general development of Palestine. Both are organically part of that growth, having the same metabolism, affected by and affecting the changes in the main stem and in each other. There can be no doubt that Arab advancement has been much assisted by Jewish settlement in Palestine, but as part of the process to which reference has just been made. While the Jews vigorously deny any intent to "degrade" or "neglect" Arab advancement, the plain fact remains that their large capital and recurrent expenditure, their plans for development and their elaborate social structure are intended primarily, almost exclusively, for Jews. There is nothing unnatural in this: charity begins at home and if it ends there so much the worse; if its beneficial influence can be extended without adversely affecting the main aim, so much the better. In evaluating therefore the extent to which Jewish achievement has facilitated Arab development due weight must also be given to the part played by the vitality and individuality of the Arab will to advance. The Arab community is not organized towards co-ordinated development, as in the case of the Jews. Its efforts towards improvement are localized and even to a great extent individualistic. Economically it consists of a conglomeration of little enterprise without interdependence and often mutually competitive. The major occupation of the Arab section of the population is agriculture and here, in the quarter of a century since the occupation, there has been great advancement as is illustrated by the present diversification of Arab agricultural practice as compared with that of the former period. Beside the visual and evocative attraction of the symmetrical Jewish agricultural development it is easy to pass over the solidity of the achievement. The hundreds of thousands of olive and fruit trees and vines planted, the thousands of metres of terraces constructed, amount to substantial investment on the part of a poor people. At the time of the occupation, the Arabs had few industries of value and have as yet but a small share in industry. They have, however, shown themselves to be receptive to ideas of modernization and capable of acquiring a high standard of mechanical skill. Their banking enterprises, of which there

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are two, have expanded with the growth of Arab prosperity. There is no distinctively Palestine Arab culture: it derives partly from the general Arab culture and partly from the West. In every stratum of Arab society there is the impulse towards social improvements. This is shown by impatience at the present rate of progress towards general education and the efforts made throughout the country to provide the financial means of expediting achievement to this end. It is shown in the increasing interest of the Arab community in social welfare activities. It is shown in the efforts made in the villages towards ameliorating the conditions of rural life. That the advance is to be measured in penny points instead of pound points is an index to the available resources rather than to lack of will or ability. Over all, the conditions of the Arab community have been very materially improved during the past twenty-seven years, as is shown perhaps most emphatically in their rapid increase through natural cause; their standard of living has been greatly raised; and their ability to provide for themselves in a competitive world has been enhanced. This movement has inevitably brought into being new needs and new wants and the necessity of seeking means to satisfy them. Politically, it has intensified, instead of mitigating, resentment with Jewish expansion, distrust of the influence of that expansion on determining the character of the country and fear of Jewish domination.

26. In a rapidly expanding society, particularly where it consists of heterogeneous elements, there can be nothing static about the level of standards of living. What at one stage may be advancement, may at another be recession. Productivity is also a variable factor, influenced by, but not necessarily moving in sympathy with, the standard of living. The share of production as between the two communities is a third variable factor. The marketability of the commodities produced is a fourth. Consequently, the conception of economic absorptive capacity must be fluid and, let it be said at once, it is a matter on which even expert opinions may honestly differ. Be this as it may, it has fallen to the Mandatory to be the arbiter at all stages in the development of Palestine since the occupation on the degree of economic absorptive capacity currently existing. While recognizing that the hostility of the Arabs towards Jewish immigration must have economic importance, the Administration has generally taken no account of political, social and psychological considerations in applying the principle of economic absorptive capacity to Jewish immigration. Recognition has been given to the fact that the National Home depended for its economic development on immigration and that investment in it had to some extent been contingent on the assumption that immigration would be continuous. Nevertheless, it became necessary, in the fulfilment of the dual obligation imposed by the Mandate—let it be repeated, for the fulfilment of both parts of the obligation imposed by the Mandate—to restrict immigration and the further acquisition of land by persons other than Palestinian Arabs. Both measures have been bitterly resented and actively opposed by the Jews who have represented that they are contrary to His Majesty's Government's obligations under the Mandate; both have been condemned by the Arabs as too liberal to safeguard the position in Palestine of that community.

In the White Paper of 1939, the immigration policy was reviewed and it was stated that, while as a matter of policy economic absorptive capacity had been the sole criterion applied, "His Majesty's Government do not read either the Statement of Policy of 1922 or the letter of 1931" (from Mr J. Ramsay MacDonald to Dr Weizmann) "as implying that the Mandate requires them, for all time and in all circumstances, to facilitate the immigration of Jews into Palestine subject only to consideration of the country's economic absorptive capacity. Nor do they find anything in the Mandate or in subsequent Statements of Policy to support the view that the establishment of a Jewish National Home in Palestine cannot be effected unless immigration is allowed to continue indefinitely. If immigration has an adverse effect on the economic position in the country, it should clearly be restricted; and equally, if it has a seriously damaging effect on the political position in the country, that is a factor which should not be ignored". The White Paper went on to show that Arab opposition to Jewish immigration had made possible serious disturbances which had "given a serious setback to economic progress, depleted the Palestine exchequer, rendered life and property insecure, and produced a bitterness between the Arab and Jewish populations which is deplorable between citizens of the same country". It stressed the danger of perpetuation of this enmity and pointed out that "the relations between the Arabs and the Jews in Palestine must be based sooner or later on mutual tolerance and goodwill: the peace, security and progress of the Jewish National Home itself require this". Accordingly, immigration was restricted to a figure of 75,000 during the five year period ending May, 1944; the period was subsequently extended to permit of the completion of this quota; and when this was achieved nineteen months later in December, 1945, Jewish immigration was allowed to continue until now at a rate of 1,500 monthly.

As regards the more intensive utilization of the land visualized by Article 6 of the Mandate, much groundwork had been required of the Administration. At the time of the

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occupation, land matters were in a chaotic condition. A new system had to be constructed before both public and private rights to the land could be investigated and settled. The same lack of precision existed as regards rights to water. The basic need of establishing security of tenure both as a means of safeguarding private rights and a foundation for State planning is generally recognized. The means to fulfil it, survey, settlement and registration, are provided by Government departments. The rate of progress has been affected by financial considerations, suspicion as to intention and disturbances. Settlement of title to land has yet, broadly speaking, to be extended to a part of Galilee, to the central and southern hill areas and the Beersheba sub-district. In turn, long range measures for increasing productivity by such soil conservation measures as afforestation and the treatment of catchment areas has been impeded by uncertainty as to title and to the sufficiency as subsistence areas of lands not brought under State management. The Shaw Commission in their examination of the underlying causes of the 1929 riots had found that "the question of land, its ownership, occupation and colonization is, perhaps, one to which more than to any other matter importance is attached both by the Jews and the Arabs". They recommended an expert enquiry into the prospects of introducing improved methods of cultivation. Sir John Hope Simpson who was appointed in 1930 to investigate on the spot questions of immigration, land settlement and development had reported that with the existing methods of Arab cultivation there was no margin of land available for agricultural settlement by new immigrants save such undeveloped land as the various Jewish agencies held in reserve; that free areas of State domain (to which title had been established) were negligible in extent; and that even if Government's title to lands claimed were admitted it would not be feasible to make these areas available for settlement in view of the impracticability of finding other lands on which to place the Arab cultivators. In consequence of his recommendations, a Development Commissioner was appointed in 1931 but the intention of producing a co-ordinated scheme for increasing agricultural productivity was not realized, to some extent because of failure to co-operate on the part of the local communities but mainly because the survey coincided with a period of financial stringency. This is not to say that there has not been improvement; the pressure of the natural expansion of the Arab population has had a share in promoting more intensive methods of cultivation in Arab areas and greater care of the land. The main impediment to large scale planning was, however, and remains, uncertainty as to the availability of land, not only for close settlement of an additional agricultural population but adequately to support the existing population. The position as regards water resources was equally characterised by imprecision. Exploration and experiment had generally given disappointing results and the better disposal of supplies from existing sources is dependent on the determination of existing rights.

On the question of land, the White Paper reiterated the requirements of Article 6 of the Mandate in regard to the close settlement of Jews on the land, "while ensuring that the rights and position of other sections of the population are not prejudiced". It explained that expert Commissions had indicated that, owing to the natural growth of the Arab population and the steady sale in recent years of Arab land to Jews, there was no room in certain areas for further transfers of Arab land, while in some other areas such transfers of land must be restricted if Arab cultivators were to maintain their existing standard of life and a considerable landless Arab population was not soon to be created. In consequence the High Commissioner would be given general powers to prohibit and regulate transfers of land. In fact, a review of the condition of congestion in Arab and Jewish rural areas carried out in 1938 had indicated serious congestion in almost the whole of the Arab area, whereas Jewish lands supported fewer families in proportion to the acreage. The Land Transfers Regulations, giving effect to the decision to empower the High Commissioner to restrict and regulate transfers of land, were promulgated in 1940.

27. As has already been stated, the Jews and the majority of the Arabs did not accept the White Paper of 1939. The Administration of Palestine has, however, continued to conform to the basic principle of that statement, namely, that Palestine should neither be a Jewish State nor an Arab State but one in which the two peoples in Palestine should share authority in government in such a way that the essential interests of each are secured. It is unfortunately not possible to record any measure of progress in the political reconciliation of the two communities. On the contrary, the course of development of political thought in the case of both communities has been outside the Mandate, away from the conception of joint effort in the interest of all and towards the more emphatic assertion of exclusive rights. Economically, in spite of the signal opportunities presented by Palestine's artificially created insularity during the war, there has been no movement in the direction of greater interdependence between the Jewish and the Arab economies. The disparity in social organisation existing before the war as between the two communities has been increased, rather than lessened, by the accretion of financial resources resulting from the war.

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E 6287
16 JUL 1947

PALESTINE

Registry Number } E 6287/4987/31.
FROM }
No. } *G Roberts*
Dated } *16th July*
Received in Registry } *10 July*
16

*Administration of P.C.C.
Security checks for receipt of
Memorandum to the Administration
of P.C.C.*

Last Paper.

6/19

(Minutes.)

References.

E 6341/4987/31

*This refers to a copy of the Palestine
Dept's memorandum to the U.N. Committee,
a copy of which was sent to Lord
Roberts at his request.*

HTB 16/7

(Print.)

(How disposed of.)

(Action completed.)

G Roberts 17/7

(Index.)

HTB 16/7

Next Paper.

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Rappresentanza Italiana
14, Three Kings Yard
Davies Street
London, W.1

pm
with

2610

10th July, 1947
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Dear Down

I wish to thank you for
having sent me the Memorandum
on the administration of Palestine.

Very sincerely yours

G. Roberti
(G. Roberti)
First Secretary

F.D.W. Brown, Esq.,
Foreign Office,
S.W.1.

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17 JUL 1947

The
Political History of Palestine under
British Administration

*(Memorandum by His Britannic Majesty's
Government presented in July, 1947, to the United
Nations Special Committee on Palestine)*

Published at Jerusalem
1947

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The Political History of Palestine under British Administration

Establishment of British Administration.

1. The territory now known as Palestine formed part of the Ottoman Empire until it was occupied, in 1917-18, by British forces under the command of General Allenby. A military administration, under the title of Occupied Enemy Territory Administration, was established with headquarters in Jerusalem at the end of 1917.

2. It was decided at the Paris Peace Conference in 1919 that the mandates system, outlined in Article 22 of the Covenant of the League of Nations, should be applied to the non-Turkish portions of the Ottoman Empire. The Mandate for Palestine was assigned to the United Kingdom by the Supreme Council of the Allied Powers at San Remo on the 25th April, 1920. Shortly afterwards, on the 1st July, 1920, the military régime was replaced by a civil administration under a High Commissioner. The northern frontier of Palestine was determined in accordance with an Anglo-French Convention of the 23rd December, 1920, and its eastern frontier by virtue of the recognition, in 1923, of the existence of an independent Government in Trans-Jordan.

The Mandate.

3. The terms of the draft Mandate for Palestine were approved by the Council of the League of Nations on the 24th July, 1922. At that time peace had not been concluded between the Allied Powers and Turkey. It was not until the 29th September, 1923, after the Treaty of Lausanne had entered into force, that the Council of the League was able formally to give effect to the Palestine Mandate.

4. The principal obligations of the mandatory Power are defined in Article 2 of the Mandate, which reads as follows:—

“The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.”

This Article appears to give equal weight to three obligations: (i) the creation of conditions which would secure the establishment of the Jewish national home; (ii) the creation of conditions which would secure the development of self-governing institutions; and (iii) the safeguarding of the civil and religious rights of all the inhabitants.

CORRIGENDUM

Page 7, line 3: For the words “these sections” read “three sections”.

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5. Article 2, in speaking of the Jewish national home, refers back to the preamble, where the terms of the Balfour Declaration of 1917 are recited as follows :—

“Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.”

6. The preamble continues immediately with a statement which is not to be found in the Balfour Declaration :

“Whereas recognition has thereby been given to the historical connexion of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country.”

7. Article 6 of the Mandate defines more precisely certain of the Mandatory's obligations arising from the intention of establishing a Jewish national home in Palestine. At the same time this Article repeats in broader terms the condition that the interests of the non-Jewish population should also be considered. Article 6 reads as follows :

“The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in cooperation with the Jewish Agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.”

Attitude of Arabs and Jews.

8. When the first census was taken in 1922, Palestine had a population of 752,000. The Jewish community, already growing as a result of immigration, then numbered 84,000. The census was taken on a religious basis and consequently did not provide an exact enumeration of the Arab population as such. It is clear, however, that it amounted to about 650,000.

9. It was already apparent, when the Mandate entered into force, that the interests of the Arab majority and those of the Jewish minority would be difficult to reconcile. The first formal enquiry into the political attitudes and aspirations of the local population was undertaken in 1919 by the American King-Crane Commission, sent by President Wilson to study conditions in the Turkish Empire with reference to possible mandates. Reporting on the situation in Palestine, they said :

“The Peace Conference should not shut its eyes to the fact that the anti-Zionist feeling in Palestine and Syria is intense and not lightly to be flouted. No British officer, consulted by the Commissioners, believed that the Zionist programme could be carried out except by force of arms.”

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The White Paper of 1922.

14. In view of these and other expressions of Zionist aims, and of the mounting evidence of Arab apprehension, His Majesty's Government decided to issue an authoritative interpretation of the Balfour Declaration. This was contained in a statement of policy* which was communicated in June, 1922, both to the Zionist Organization and to a Palestine Arab delegation then in London. It reads, in part, as follows :

"Unauthorized statements have been made to the effect that the purpose in view is to create a wholly Jewish Palestine. Phrases have been used such as that Palestine is to become "as Jewish as England is English". His Majesty's Government regard any such expectation as impracticable and have no such aim in view. Nor have they at any time contemplated, as appears to be feared by the Arab Delegation, the disappearance or the subordination of the Arabic population, language or culture in Palestine. They would draw attention to the fact that the terms of the Declaration referred to do not contemplate that Palestine as a whole should be converted into a Jewish National Home, but that such a Home should be founded *in Palestine*

When it is asked what is meant by the development of the Jewish National Home in Palestine, it may be answered that it is not the imposition of a Jewish nationality upon the inhabitants of Palestine as a whole, but the further development of the existing Jewish community, with the assistance of Jews in other parts of the world, in order that it may become a centre in which the Jewish people as a whole may take, on grounds of religion and race, an interest and a pride. But in order that this community should have the best prospect of free development and provide a full opportunity for the Jewish people to display its capacities, it is essential that it should know that it is in Palestine as of right and not on sufferance. That is the reason why it is necessary that the existence of a Jewish National Home in Palestine should be internationally guaranteed, and that it should be formally recognised to rest upon ancient historic connexion.

This, then, is the interpretation which His Majesty's Government place upon the Declaration of 1917, and, so understood, the Secretary of State is of opinion that it does not contain or imply anything which need cause either alarm to the Arab population of Palestine or disappointment to the Jews.

For the fulfilment of this policy it is necessary that the Jewish community in Palestine should be able to increase its numbers by immigration. This immigration cannot be so great in volume as to exceed whatever may be the economic absorptive capacity of the country at the time to absorb new arrivals."

15. The Zionist Organisation assured His Majesty's Government that their activities would be conducted in conformity with the policy laid down in the statement of June, 1922. The reception given to that statement by the Arabs was bound up with their attitude in discussions which were proceeding at the time on the subject of self-governing institutions.

The First Attempt to Create Self-Governing Institutions, 1922-23.

16. Shortly after the establishment of the civil administration, the High Commissioner had formed a nominated Advisory Council, consisting of 10 British officials and 10 Palestinians (4 Moslem Arabs, 3 Christian Arabs and 3 Jews). Two years later, in August, 1922, an Order-in-Council was issued providing for the crea-

* Cmd. 1700.

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on of a Legislative Council. This body was to consist of the High Commissioner and 22 other members, 10 official and 12 elected; of the elected members, 8 were to be Moslems, 2 Christians and 2 Jews.

17. A draft of this Order-in-Council had previously been communicated to a Palestine Arab delegation in London. The Delegation, while making various detailed criticisms of the proposals, at the same time declined to enter into discussions involving acceptance of the Balfour Declaration. They maintained that the proposals for a Legislative Council were not in conformity with paragraph 4 of Article 22 of the Covenant of the League of Nations, according to which —

“Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.”

The Arab Delegation consequently declared that “no constitution which would fall short of giving the People of Palestine full control of their own affairs could be acceptable”.*

18. Replying to these observations, the Colonial Office pointed out that paragraph 4 of Article 22 of the League Covenant had been interpreted by the Principal Allied Powers in the unratified Treaty of Sèvres, where Syria and Iraq, but not Palestine, were explicitly said to have been “provisionally recognised” as independent States.

“There is no question” the Colonial Office continued, “of treating the people of Palestine as less advanced than their neighbours in Iraq and Syria; the position is that His Majesty’s Government are bound by a pledge which is antecedent to the Covenant of the League of Nations, and they cannot allow a constitutional position to develop in a country for which they have accepted responsibility to the Principal Allied Powers, which may make it impracticable to carry into effect a solemn undertaking given by themselves and their Allies. . . . If your Delegation really represents the present attitude of the majority of the Arab population of Palestine, and Mr. Churchill (then Colonial Secretary) has no grounds for suggesting that this is not the case, it is quite clear that the creation at this stage of a national Government would preclude the fulfilment of the pledge made by the British Government to the Jewish people. It follows that the Principal Allied Powers, concerned as they were to ensure the fulfilment of a policy adopted before the Covenant was drafted, were well advised in applying to Palestine a somewhat different interpretation of paragraph 4 of Article 22 of the Covenant than was applied to the neighbouring countries of Iraq and Syria.”

19. This passage in the letter of the Colonial Office was characterised by the Arab Delegation as

“the strongest proof that the Jewish National Home undertaking is the cause of depriving us of our natural right of establishing an independent government the same as Mesopotamia and the Hedjaz.”

They also concluded from it that

“self-government will be granted as soon as the Jewish people in Palestine are sufficiently able through numbers and powers to benefit to the full by self-government, and not before.”

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20. Despite the unfavourable reception given by the Arabs to the proposal for a Legislative Council, elections were held early in 1923. The Arab leaders organised a boycott of the primary elections, with the result that only 107 Moslem secondary electors were chosen out of a possible total of 663, and only 19 Christians out of 59. The elections had failed in their object of producing an accurate reflection of the opinion of the whole population. They were therefore annulled by an amending Order-in-Council of May, 1923, under which the High Commissioner was temporarily to retain a nominated Advisory Council.

21. The High Commissioner, wishing the Advisory Council to approximate as closely as possible to the abortive Legislative Council, proposed to reconstitute it on the lines suggested for the latter body, that is to say with 10 officials and 8 Moslem, 2 Christian and 2 Jewish Palestinians. But of the 10 Arabs whom he nominated, 7 withdrew their acceptance under political pressure. The High Commissioner did not wish to replace them with men of less standing. It thus proved impossible to constitute a representative Advisory Council.

22. Later in 1923, a third attempt was made to establish an institution through which the Arab population of Palestine could be brought into cooperation with the Government. The mandatory Power now proposed "the establishment of an Arab Agency in Palestine, which will occupy a position exactly analogous to that accorded to the Jewish Agency". The Arab Agency would have the right to be consulted on all matters relating to immigration, on which it was recognised that "the views of the Arab community were entitled to special consideration." The Arab leaders declined this offer on the ground that it would not satisfy the aspirations of the Arab people. They added that, never having recognised the status of the Jewish Agency, they had no desire for the establishment of an Arab Agency on the same basis.

23. The Arabs had thus successively refused the establishment of a Legislative Council, the reconstitution of the Advisory Council and the recognition of an Arab Agency. The High Commissioner, appearing before the Permanent Mandates Commission at its fifth session in 1924, summarized as follows the policy which the mandatory Power had hoped to pursue.

"The British Government desired to establish a self-government in Palestine, but to proceed in this direction by stages It had been announced that the nominated Advisory Council was to be the first stage. The second stage would have been a Legislative Council without an Arab majority. If this worked satisfactorily, the third stage, after a lapse of perhaps some years, would have been a constitution on more democratic lines."

In practice it proved impossible even to initiate this policy of gradual constitutional development. From 1922 until the present day, the High Commissioner has governed Palestine with the aid of Councils consisting exclusively of British officials.

The Development of the Country, 1920-29.

24. Palestine under Ottoman rule had been a poor and undeveloped country. It had suffered further impoverishment during the war of 1914-18, and the manda-

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tory Administration was faced with a formidable task in the economic and social fields. The non-political activities of the Administration, and the general development of the country, will be briefly surveyed in these sections of the present memorandum, covering the periods 1920-29, 1929-36 and 1936-47.

25. One of the most pressing needs at the outset, for both economic and administrative reasons, was an improved system of communications. In 1917, Palestine had only 233 kilometres of all-weather roads and 192 kilometres of seasonal roads. By 1930 these figures had been raised to 912 and 1,293 respectively. The railway system was extended, unified and renovated.

26. The Administration assisted the recovery of the Arab peasantry from the losses they had suffered during the war, and developed agricultural services designed to bring about a permanent improvement in their standard of living. Loans amounting to £P.576,000 were advanced to cultivators in the four years 1919-23. A Department of Agriculture and Forests was established; its expert staff promoted the use of improved farming methods, encouraged experiment with new crops and breeds, and in general stimulated a more profitable use of the land. The Department also concerned itself with the restoration of Palestine's forests, being directly responsible for the planting of a million trees by 1925, and maintaining nurseries which also contributed to a total plantation of between four and five million in the same period.

27. Perhaps the most striking progress, during these years, was made in the sphere of public health. Malaria, which was prevalent in all parts of the country before 1918, had by 1925 been eliminated from all the large towns except Haifa, and from the greater part of the countryside. The incidence of eye diseases also showed a sharp decline, largely as a result of the institution of a system of inspection and treatment in the primary schools. Other measures included the improvement of water supplies and the provision of infant welfare centres.

28. During the first school year following the establishment of civil administration (1920-21) there were 171 public Arab schools with 11,000 pupils, representing 7 per cent. of the Arab children of school age (i.e. of 5 to 14 years). In two years these figures were raised to 311 schools and 20,000 pupils and the percentage rose to 12, although the majority of the pupils did not remain at school for the full ten-year period.

29. The social and economic activities of Government Departments, while beneficial to the country as a whole, undoubtedly conferred greater advantages on the Arab than on the Jewish community. The Arabs formed the great majority of the population. They were both financially and by social tradition less well equipped to supply their own needs through voluntary services. And it was evident that the success of the Jewish National Home itself would very largely depend on closing the gap between its standard of living and that of the Arab population alongside which it was to grow.

30. Meanwhile the National Home was growing in size, was becoming stronger economically and was developing a distinctive cultural life. The following table

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shows the number of Jewish immigrants in each year between the beginning of the civil administration and the end of 1929 :—

1920 (September—December)	5,514
1921	9,149
1922	7,844
1923	7,421
1924	12,856
1925	33,801
1926	13,081
1927	2,713
1928	2 178
1929	5,249

Total for ten-year period 99,806

It will be seen that Jewish immigration, after mounting to a peak of nearly 34,000 in 1925, fell sharply in the three following years. This decline was connected with an economic depression, reflected also in rising figures of Jewish emigration from Palestine. In 1926 the emigrants numbered over 7,000, and in 1927 emigrants exceeded immigrants by more than 2,000. In 1928, when the economic tide began to turn, there was a net Jewish immigration of only 10 persons. The economic setback which thus checked the increase of the Jewish population appears to have been due in part to the collapse of the Polish zloty: one in every two Jewish immigrants came from Poland during this decade.

31. In 1920, the Palestinian land in Jewish ownership amounted to approximately 650,000 dunums. By the end of 1929 another 514,000 dunums had been added. In 1927 there were roughly 100 rural settlements on Jewish land, with a total population of some 28,000. Modern Jewish quarters were being developed in Jerusalem and Haifa, while Tel Aviv, which in 1914 was a village with 2,000 inhabitants, had a population of 30,000 in 1925. Small industries were springing up in the Jewish towns, and Mr. Rutenberg had obtained a concession for a hydro-electric station on the upper Jordan.

32. Education, in schools controlled by the Jewish community and financed from Jewish funds with a small Government subsidy, was almost universal. The Hebrew University, which is mainly financed by contributions from abroad, was opened in 1925 when the entire Jewish population amounted to only 120,000. One of the basic purposes of this educational system was the revival of Hebrew as a living language. In 1925 the first High Commissioner declared that

“Hebrew is now definitely established as the language of the Jewish population of Palestine. All the younger generation speak it and most of the older generation who have lived long in the country. It is the only language of instruction in almost all the Jewish schools. All the Jewish newspapers are printed in Hebrew. The Mandate for Palestine specifically declares it to be, with English and Arabic, one of the official languages of the country.”

33. At the end of the period under review, Palestine was still an overwhelmingly agricultural country. The most significant trend in export statistics was the growing importance of citrus fruits, of which 831,000 cases were exported in 1920-21

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and 2,610,000 in 1929-30. In the latter year, rather more than 50 per cent of the citrus plantations were owned by Arabs.

34. During this decade the public revenue fluctuated between a minimum of £P.1,676,000 (in 1923-24) and a maximum of £P.2,809,000 (in 1925-26). Viewing the period as a whole, there was a comfortable surplus of revenue over expenditure.

35. After the outbreak of 1921, the country enjoyed eight years of freedom from disturbance. By the end of 1926 the British garrison had been reduced to a single squadron of the Royal Air Force and two companies of armoured cars.

The Disorders of August, 1929.

36. In September, 1928, there occurred an incident, trivial in itself, which set up a chain of reactions the cumulative effect of which was to strengthen the element of religious feeling in the Moslem Arab attitude to the growth of the Jewish National Home. The centre of Moslem worship in Palestine, and one of the most sacred places of Islam, is a large rectangular area in the old city of Jerusalem known as the Haram-esh-Sherif. The lower part of a section of the exterior wall bounding this area on the west is believed to be also the last surviving fragment of Herod's Temple, built on the site of the Temple of Solomon. As such, this wall, generally known as the Wailing Wall, is a holy place to the Jews, who have a long-established right of access to it for devotional purposes. The exercise of this right was strictly defined by custom, and the introduction of a screen to divide men from women during prayers on the Day of Atonement, in 1928, was at once denounced by the Moslems as an innovation. The removal of the screen by the police gave rise in turn to complaints by the Jewish authorities.

37. In a memorandum presented to the Administration a few days after this incident, the Supreme Moslem Council declared their belief "that the Jews' aim is to take possession of the Mosque of al-Aqsa gradually, on the pretence that it is the Temple, by starting with the Western Wall of this place." The National Council (Va'ad Leumi) of the Palestine Jewish community published an open letter to the Moslem community, emphatically denying any intention of encroaching on the rights of Moslems over their Holy Places. Nevertheless a "Society for the Protection of the Moslem Holy Places" was formed, and discussion of the Wailing Wall was the starting point for a revival of nationalist agitation in the Arab community.

38. At about this time the Jews protested against building operations which were being carried out, within the Haram area but overlooking the pavement in front of the Wailing Wall, and against other innovations in the neighbourhood of the Wall. These were followed by the formation of a "Pro-Wailing Wall Committee", under the presidency of a distinguished Jewish scholar, and by intemperate articles in the press of the Revisionists (the nationalist right wing of the Zionist movement).

39. On the 15th August, 1929, some hundreds of young Jews organised a demonstration at the Wailing Wall, in the course of which the Zionist flag was raised and the Zionist anthem sung. Incensed by this, the Moslems held a counter-

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demonstration at the same spot on the following day, when written prayers placed in the crevices of the wall by Jewish worshippers were taken out and burned.

40. There followed a week of extreme tension. Then, between the 23rd and the 29th August, murderous attacks were made by Arabs on Jews in Jerusalem, Hebron, Safad and in rural areas. In this outbreak 133 Jews were killed (over 60 at Hebron) and 339 wounded. Arab casualties, mostly inflicted by the troops or police, were 116 killed and 232 wounded.

41. As after the two previous outbreaks, a Commission of Enquiry was formed, this time under the chairmanship of Sir Walter Shaw. In analysing the immediate causes of the Arab attack, the Commission drew attention to another factor which, while less important than the controversy surrounding the Wailing Wall, had also contributed to the "dangerous combination of anger and fear" felt by the Arabs. This was the successful conclusion, at the Zionist Congress held in Zurich between the 28th July and the 11th August, of negotiations for the association of the Zionist Movement with its non-Zionist sympathisers in an enlarged Jewish Agency.

"It was . . . common knowledge in Palestine that at Zurich the Zionist movement was likely to be reinforced by a strong body of wealthy non-Zionists, who were expected to provide funds for the further development of Zionist activities in Palestine. The news that this expectation had been realised would quickly spread and was, in our opinion, a cause of increased apprehension and alarm among all classes of Arabs."

42. The Shaw Commission, however, did not accept these immediate causes of Arab apprehension as an adequate explanation of the events they were called upon to investigate.

"There can, in our view, be no doubt," they wrote, "that racial animosity on the part of the Arabs, consequent upon the disappointment of their political and national aspirations and fear for their economic future, was the fundamental cause of the outbreak of August last . . . In less than ten years three serious attacks have been made by Arabs on Jews. For eighty years before the first of these attacks there is no recorded instance of any similar incidents. It is obvious then that the relations between the two races during the past decade must have differed in some material respect from those which previously obtained . . . The Arabs have come to see in the Jewish immigrants not only a menace to their livelihood but a possible overlord of the future."

43. The following is a summary of the principal recommendations* made by the Shaw Commission :—

(i) His Majesty's Government should issue a clear statement of the policy they intend to pursue in Palestine. The value of this statement would be greatly enhanced if it defined the meaning they attached to the passages in the Mandate safeguarding the rights of non-Jewish communities, and if it laid down more explicit directives on such vital issues as land and immigration.

(ii) Immigration policy should be clearly defined, and its administration reviewed "with the object of preventing a repetition of the excessive immigration of 1925 and 1926." Machinery should be devised through which non-Jewish interests could be consulted on the subject of immigration.

* Cmd. 3530.

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(iii) A scientific enquiry should be made into the possibilities of land development in Palestine, having regard to "the certain natural increase in the present rural population." Meanwhile the "tendency towards the eviction of peasant cultivators from the land should be checked."

(iv) While making no formal recommendations on constitutional development, the Commission observed that the difficulties of the Administration were greatly aggravated by the absence of any measure of self-government.

44. On receiving this Report*, in March 1930, His Majesty's Government decided to appoint a highly qualified investigator to make a more detailed enquiry into the problems of immigration, land settlement and development. Sir John Hope-Simpson, who was chosen for this task, presented his Report** in August. Its conclusions, no less than those of the Shaw Commission, influenced the terms of the statement of policy which was issued as a White Paper in October.

The White Paper of 1930.

45. The statement of policy issued in October 1930† began by pointing out that

"in the peculiar circumstances of Palestine, no policy, however enlightened or however vigorously prosecuted, can hope for success, unless it is supported not merely by the acceptance, but by the willing cooperation of the communities for whose benefit it is designed."

His Majesty's Government then drew attention once again to the complex character of their obligations under the Mandate :

"Many of the misunderstandings which have unhappily arisen on both sides appear to be the result of a failure to appreciate the nature of the duty imposed upon His Majesty's Government by the terms of the Mandate. The next point, therefore, which His Majesty's Government feel it necessary to emphasise, in the strongest manner possible, is that in the words of the Prime Minister's statement in the House of Commons on the 3rd April last, "a double undertaking is involved, to the Jewish people on the one hand and to the non-Jewish population of Palestine on the other."

Much of the agitation which has taken place during the past year seems to have arisen from a failure to realise the full import of this fundamental fact. Both Arabs and Jews have assailed the Government with demands and reproaches based upon the false assumption that it was the duty of His Majesty's Government to execute policies from which they are, in fact, debarred by the explicit terms of the Mandate

It must be realised, once and for all, that it is useless for Jewish leaders on the one hand to press His Majesty's Government to conform their policy in regard, for example, to immigration and land, to the aspirations of the more uncompromising sections of Zionist opinion. That would be to ignore the equally important duty of the Mandatory Power towards the non-Jewish inhabitants of Palestine. On the other hand, it is equally useless for Arab leaders to maintain their demands for a form of Constitution which would render it impossible for His Majesty's Government to carry out, in the fullest sense, the double undertaking already referred to."

* Cmd. 3530.

** Cmd. 3686.

† Cmd. 3692.

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46. In response to a suggestion made by the Shaw Commission, the statement emphasised the passage in the White Paper of 1922 declaring that the Jewish Agency was not entitled, by its special status under the Mandate, to share in the government of Palestine. It added that

"machinery must be provided to ensure that the essential interests of the non-Jewish sections of the Community should at the same time be fully safeguarded, and that adequate opportunity should be afforded for consultation with the Palestine Administration on matters affecting those interests."

47. In the section of the White Paper dealing with constitutional development, His Majesty's Government stated their considered opinion

"that the time has now come when the important question of the establishment of a measure of self-government in Palestine must, in the interests of the community as a whole, be taken in hand without further delay."

It was accordingly intended that a second attempt should be made to set up a Legislative Council on the lines proposed in 1922. On this occasion steps would be taken to circumvent a boycott by any section of the population; if some of the 12 unofficial places were left vacant after the elections, they would be filled by nomination. His Majesty's Government commented

"that had this Legislature been set up at the time when it was first contemplated the people of Palestine would by now have gained more experience of the working of constitutional machinery. Such experience is indispensable for any progress in constitutional development."

48. Dealing next with the social and economic problems surveyed by Sir John Hope-Simpson, the statement endorsed the latter's conclusion that

"at the present time and with the present methods of Arab cultivation there remains no margin of land available for agricultural settlement by new immigrants, with the exception of such undeveloped land as the various Jewish agencies hold in reserve."

It also cited Sir John Hope-Simpson's calculation that, if the whole cultivable area of the country were divided among the existing Arab cultivators, it would not provide them with an average holding sufficient to maintain a decent standard of life. In these circumstances, the duty of ensuring that the "rights and position" of the Arabs were not prejudiced could be reconciled with the duty of encouraging Jewish settlement only by means of "methodical agricultural development."

"Only by the adoption of such a policy will additional Jewish agricultural settlement be possible consistently with the conditions laid down in Article 6 of the Mandate. The result desired will not be obtained except by years of work. It is for this reason fortunate that the Jewish organisations are in possession of a large reserve of land not yet settled or developed. Their operations can continue without break, while more general steps of development, in the benefits of which Jews and Arabs can both share, are being worked out. During this period, however, the control of all disposition of land must of necessity rest with the authority in charge of the development. Transfers of land will be permitted only in so far as they do not interfere with the plans of that authority."

49. On the subject of immigration, His Majesty's Government stated that the capacity of the country to absorb new immigrants must be judged in relation to Arab as well as Jewish unemployment.

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50. The White Paper concluded with a general statement of the need for a more positive economic and social policy, and with a renewed appeal for the co-operation of Arabs and Jews :

"The situation revealed by exhaustive examination of the various economic, political and social factors involved makes it clear that Palestine has reached a critical moment in its development. In the past it may be said that the Government has left economic and social forces to operate with the minimum of interference or control, but it has become increasingly clear that such a policy can no longer continue. It is only the closest cooperation between the Government and the leaders of the Arab and Jewish communities that can prevent Palestine from drifting into a situation which would imperil, on the one hand, the devoted work of those who have sought to build up the Jewish National Home, and, on the other, the interests of the majority of the population."

51. Both the conclusions reached by Sir John Hope-Simpson and the decisions announced in the White Paper were challenged by the Zionists and by their supporters. Sir John Hope-Simpson's estimate of the total cultivable area was held to be open to question, and, in so far as it was too low, the calculations based upon it were thought to be unduly pessimistic. As for the White Paper, Dr. Weizmann declared that it was "inconsistent with the terms of the Mandate and in vital particulars marks the reversal of the policy hitherto followed by His Majesty's Government in regard to the Jewish National Home." In protest he resigned his office of President of the Zionist Organisation and the Jewish Agency.

52. In November, the mandatory Government invited members of the Jewish Agency to confer with them on this controversy. The outcome of the conversations was a letter addressed by the Prime Minister to Dr. Weizmann on the 13th February, 1931. This letter, the Prime Minister said, "will fall to be read as the authoritative interpretation of the White Paper" on the matters with which it dealt. It contained, on the subject of the mandatory Power's obligations to the Jewish National Home, a number of positive statements which had not appeared in the White Paper. Among them were the following :

"The obligation to facilitate Jewish immigration and to encourage close settlement by Jews on the land remains a positive obligation of the Mandate, and it can be fulfilled without prejudice to the rights and position of other sections of the population of Palestine."

"The statement of policy of His Majesty's Government did not imply a prohibition of acquisition of additional land by Jews."

"His Majesty's Government did not prescribe and do not contemplate any stoppage or prohibition of Jewish immigration in any of its categories."

53. Thus interpreted, the statement of policy was more acceptable to the Zionists than it had seemed at first sight. The Arabs, however, regarded the Prime Minister's letter not as an interpretation of the previous White Paper but as a modification of it, resulting from the political pressure which Zionism was able to exert in London. The "Black Letter," as they called it, diminished their confidence in the mandatory Power.

54. In the discussion arising from the disorders of 1929, the Permanent Mandates Commission played its part. An extraordinary session was held in June, 1930,

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after the publication of the Shaw Report but before the issue of the White Paper. In the course of this session there was an exchange of views between two members of the Commission which vividly illustrated the difficulty of interpreting the Palestine Mandate.

M. Rappard stated that "it was the duty of the mandatory Power to establish the National Jewish Home, and to develop self-governing institutions so far as was compatible with such establishment."

To this the Chairman (Marquis Theodoli) replied that "in considering the two parts of the mandate to which M. Rappard had referred, it was necessary to bear in mind the fundamental principle of all the mandates. The purpose of the mandates as described in Article 22 of the Covenant was the development and welfare of the inhabitants of the mandated territory In his view it was necessary to insist that the establishment of the National Home for the Jews must be made compatible with the introduction of autonomous institutions. That was the Arab view and it was consistent with the fundamental purpose of the mandate."

M. Rappard repeated his view that "the Mandatory must set up self-governing institutions in so far as their establishment was compatible with the establishment of the National Home for the Jews. The Chairman had reversed this proposition. Such a reversal, however, was unjustified, because the Arabs, if they were accorded complete self-government, would obviously ignore the obligation to establish a National Home for the Jews."

55. In its report to the Council of the League of Nations, the Mandates Commission criticised the mandatory Government for not having concerned itself more actively with the social and economic development of the country. They admitted that there could be no proof of the suggestion that a more active policy in these fields would have eliminated racial antagonism, but they thought it probable that the force of that antagonism would thereby have been diminished.

56. In another part of their report, however, the Mandates Commission expressed the view that

"the resentment which caused the Arabs to commit these excesses was ultimately due to political disappointments which they attributed to the parties concerned in the mandate, and primarily to the British Government."

The Development of the Country, 1929-1936

57. The need for economic development in Palestine was emphasised, in 1930, by the Permanent Mandates Commission, by Sir John Hope-Simpson and by the Government of the mandatory Power. A Director of Development was appointed in the following year, and the Arab Executive and the Jewish Agency were each invited to nominate a representative to assist him in an advisory capacity. The Arab Executive declined to accept this invitation unless the Government would agree to their condition that development should not be based on the principles embodied in the Prime Minister's letter to Dr. Weizmann. The Jewish Agency declined in protest against a revision of the Protection of Cultivators' Ordinance, which in their view would hamper Jewish purchases of land. Another factor in the discouragement of plans for economic development under governmental guidance was the economic crisis in Great Britain.

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58. Nevertheless, Palestine was at this time entering a period of rapid economic expansion, the more remarkable by contrast with the depression into which the world as a whole had plunged. The years 1930-35 saw the completion of some of Palestine's major capital developments. Haifa harbour was opened to traffic as a deep-water port in 1933. This was a governmental undertaking. Its importance was increased in 1935 by the opening of the Iraq Petroleum Company's pipe-line from Kirkuk, and in 1936 by the completion of an oil dock. Jewish enterprise was responsible for the formation of Palestine Potash Limited, which obtained a concession in 1930 for the extraction of chemicals from the Dead Sea; and of the Palestine Electric Corporation, whose hydro-electric power station in the Jordan Valley began to operate in 1932.

59. These were also the years in which the Jewish National Home experienced its most rapid growth. The following table shows the sharp rise in numbers of Jewish immigrants to the peak year of 1935 :

1930 ...	4,944
1931 ...	4,075
1932 ...	9,553
1933 ...	30,327
1934 ...	42,359
1935 ...	61,854
1936 ...	29,727

Total for seven years ... 182,889

The increased scale of immigration was accompanied by a change in its character. The Jewish community in Germany, which had made a negligible contribution before 1933, provided 27 per cent of the total in 1936. The establishment of the Nazi regime in Germany thus had immediate repercussions in Palestine.

60. The total population of Palestine at the end of 1936 was approximately 1,300,000, the Jews being estimated at 384,000. The Arabs had also increased rapidly, mainly as a result of the cessation of the military conscription imposed on the country by the Ottoman Empire, the campaign against malaria and the improvement in health services generally. In absolute figures their increase more than equalled that of the Jewish population, but relatively the latter had risen from 13 per cent at the census of 1922 to nearly 30 per cent at the end of 1936.

61. The immigration of Jews into Palestine was accompanied by an impressive import of Jewish capital, estimated at nearly £P.80,000,000 by the end of 1936. This inflow of capital increased with the rising figures of immigration, and made its contribution to a striking expansion of Jewish activity in both agriculture and industry. The number of Jewish agricultural settlements rose from 96 in 1927 to 172 in 1936 and their total population from 28,000 to 87,000. The capital invested in Jewish industry rose from £P.2,095,000 in 1930 to £P.11,064,000 in 1937. The population of the all-Jewish city of Tel Aviv was nearing 150,000.

62. Despite the growing extent and diversity of industry, the importance of citrus fruits in Palestine's export trade continued to increase. The volume of citrus

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exports rose steadily from 2,600,000 cases in 1929-30 to 7,300,000 in 1934-35, falling in the next year to 5,900,000 but immediately resuming its rise to the peak figure of 15,300,000 in 1938-39. In the calendar year 1935, oranges, grapefruit and lemons constituted 84 per cent of Palestine's total exports.

63. The economic prosperity of the country during these years was reflected in the public revenue, which, as compared with an average of less than two and a half million pounds in the years 1928-31, reached a total of £5,770,000 in the financial year 1935-36. The statistics of foreign trade were equally significant. The value of imports increased from £P.7,167,000 in 1929 to £P.17,853,000 in 1935 and that of exports from £P.1,554,000 to £P.4,215,000 in the same years.

64. The impetus given to the country's economic development by Jewish immigration and by the influx of Jewish capital conferred certain benefits on the Arab community. The Government was able to expand its services, in the interest of the whole population, by means of revenue drawn in an increasing proportion from the Jewish taxpayer. And the Arab cultivator benefited from the expansion of the urban market for his produce. Nor could it be shown that the purchase of land by Jews had driven any appreciable number of Arab cultivators out of agriculture.

65. The Arabs were, nevertheless, apprehensive for their economic future. Their numbers were increasing rapidly, already there were signs of rural congestion in the hill villages, and the more fertile land in the plains, which might have been developed to absorb their excess population, was steadily passing into Jewish ownership.

66. The two communities remained economically distinct. The lack of fusion between the indigenous Arab and oriental Jewish population on the one hand, and the Jewish immigrants from Europe on the other, was strikingly illustrated by tables of comparative daily wages officially computed in 1935, from which the following is an extract :

"Prevailing daily wages, in mils, for adult male labour

	European	Asiatic
Agricultural work :		
Ploughing	250—400	80—120
Orange-picking	220—225	120—200
Pasturage	200	80—100
Industrial work :		
Quarrymen, skilled	450—600	200—300
" " , unskilled	350—400	100—140
Masons, skilled	600—700	500—600
Building labourers	350—400	100—180
Government employment :		
Road asphalters	250—500	120—400
General labourers	120—400	70—200

These discrepancies were due principally to inequalities in standards of living, but also in some degree to the fact that the Arabs had not developed a trade union or-

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ganisation in any way comparable with the General Federation of Jewish Labour (Histadruth), which has a most powerful influence in the Jewish economic system.

67. There was an equally marked discrepancy in the educational opportunities available to the two communities. The Government of Palestine made financial provision for Arab and Jewish education respectively, in proportions determined by the numbers of children of school age in the two communities. But, whereas the Arab schools were almost entirely dependent on public funds, the Jewish schools obtained no less than 85 per cent of their finances from other sources in 1935-36. As a result of this voluntary effort on the part of the Jewish community, elementary education was almost universal, and secondary education was well developed. In the Arab schools, on the other hand, the increase in accommodation was barely keeping pace with the growth of the population. In the school year 1936/37 there were 55,000 Arab boys and 22,300 Arab girls attending school. These figures represented 39 per cent and 17 per cent respectively of the Arab boys and girls aged 5 to 14 years inclusive.

68. The differing financial bases of the two educational systems found recognition in the arrangements made for their control. The Arab schools were under the direct administration of the Department of Education. The Jewish schools were controlled by the Va'ad Leumi (General Council of the Jewish community). Article 15 of the Mandate, under which "the right of each community to maintain its own schools . . . shall not be denied or impaired", made it impossible for the Government to prevent this division of the great majority of Palestinian schools into two watertight compartments. Its consequences were described by the Peel Commission in the following terms :

"From the age of three or four years, when children enter the kindergarten to be taught Hebrew if they do not know it already, pride in the past of Jewry and in the National Home as an exclusively and intensely Jewish achievement of the present is the dynamic centre-point of their whole intellectual development. The idea that they are to share their life in any way with the Arabs, that they are growing up to be fellow-citizens with Arabs in a common Palestinian State, is only recognized in the teaching of a little Arabic in the secondary schools; and that provision, excellent in itself, is wholly insufficient as long as the rest of the teaching is inspired by a purely Jewish rather than Palestinian objective."

" Though the Arab school system is a Government system its nationalist character is quite as marked as that of the non-Government Jewish system. The curriculum both in primary and secondary schools is mainly concerned with the Arabic language and Arab tradition. There is no teaching of Hebrew and little or none of Jewish history."

Political History, 1931-1936.

69. The increase in Jewish immigration from 1933 onwards was accompanied by an intensification of Arab political activity. In October, 1933, the Arab Executive proclaimed a general strike and organised a demonstration outside the Government Offices in Jerusalem. The demonstrators clashed with the police, and during

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the next few weeks other riots took place in Jaffa, Nablus, Haifa, and again in Jerusalem. In the course of these disorders, one policeman and 24 civilians were killed. The disturbances of 1933 differed from those of 1920, 1921 and 1929 in that they were directed not against the Jews but against the mandatory Government, which was accused of tilting the balance against the Arabs in its administration of the Mandate.

70. In the following year, 1934, five Arab political parties were formed. In November, 1935, their leaders combined to submit to the High Commissioner a memorandum demanding the establishment of democratic government, the prohibition of the transfer of Arab land to Jews, the immediate cessation of Jewish immigration and the formation of a competent committee to determine the absorptive capacity of the country and to lay down principles for the control of immigration.

71. Meanwhile the Administration was preparing for a renewed attempt to establish self-governing institutions in Palestine. Elections were held in all the municipalities following the enactment of a new Municipal Corporations Ordinance in January, 1934. At the end of 1935, the High Commissioner communicated to the Jewish and Arab leaders proposals for the creation of a Legislative Council. The proposed Council was to consist of 28 members distributed as follows :—

	Elected	Nominated	Officials
Moslems	8	3	—
Jews	3	4	—
Christians	1	2	—
Representatives of commerce	—	2	—
Officials	—	—	5
Totals	12	11	5

The electorate would consist of Palestinian citizens not less than 25 years old, each community being left to decide whether or not women were to have the vote. The powers of the Council were to be the following :—

(1) To debate on all Bills introduced by Government, to amend and to pass them for assent or dissent by the High Commissioner ;

(2) to introduce Bills, except Money Bills, subject to the consent of the High Commissioner ;

(3) to consider and debate on the annual budget; . . .

(4) to propose any question of public interest for debate, provided that no vote for the expenditure of public money or the imposition of taxation may be proposed except by the direction of the High Commissioner, nor any resolution which, in the opinion of the High Commissioner, is likely to endanger the public peace; . . .

(5) to ask questions of the Executive relative to the administration of government."

Any resolution calling in question the validity of the Mandate would be disallowed. Immigration quotas could be discussed and criticized, but their final determination would remain with the High Commissioner. The High Commissioner would retain

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power to give effect to urgent legislation either when the Council was not sitting or after a failure of the Council to legislate.

72. This project was rejected as unacceptable by the Zionists. The Arabs, although critical of its details, were ready to discuss it. It was severely criticized in both Houses of Parliament, largely on the ground that the power it would give to the Arab majority in Palestine was inconsistent with the obligation assumed by the Mandatory towards the Jewish National Home. It was generally assumed after these debates that the withdrawal of the project was probable, and the Arabs maintained that, as in 1931, Jewish influence in London had prevented His Majesty's Government from making concessions to the Arab point of view. At the beginning of April, 1936, the leaders of the five Arab parties were invited to send a delegation to London to discuss the question of constitutional reform. The invitation was accepted, but the conversations did not take place owing to the outbreak of disorder in Palestine later in the month.

73. The Arab rising in Palestine, which began in April, 1936, was influenced by the recent example of nationalist movements in neighbouring Arab countries. Rioting in Egypt during the autumn of 1935 had been followed by a declaration of the British Government's willingness to negotiate an Anglo-Egyptian Treaty. And in January, 1936, a strike began in Syria which was not terminated until the French Government announced their decision to negotiate an agreement for the termination of the Mandate.

The Arab Rebellion, 1936-1939.

74. On the night of the 15th April, 1936, three Jews were killed by Arabs between Tulkarm and Nablus. On the following night two Arabs were killed near the Jewish town of Petah Tiqva. These murders led to disorders in Jaffa and Tel Aviv a few days later.

75. These incidents were immediately followed by the formation of National Committees in all the Arab towns and in the larger villages. On the 21st April, the leaders of the five Arab parties called a general strike. On the 25th they formed a Supreme Arab Committee, subsequently known as the Arab Higher Committee, under the presidency of the Mufti of Jerusalem. The Committee decreed that the strike should continue until Jewish immigration was suspended.

76. The strike was accompanied by widespread violence, which took various forms—destruction of Jewish property and sniping at Jewish settlements, sabotage of communications, sporadic shooting and bomb-throwing in the towns. Most of this was the work of loosely organised bands based in the Judaeian hills, a country which they knew intimately and which did not lend itself to effective counter-measures by the military. These were also hampered by the sympathy of the population with the rebels, and the consequent difficulty in obtaining information.

77. Military reinforcements began to arrive in May, and by September there were two British divisions in the country. Towards the end of that month the High Commissioner was empowered to establish military tribunals. The Government re-

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many executions were carried out after trial by these illegal tribunals. The Assistant District Commissioner at Jenin was murdered in August. In September, all police and Government buildings in Beersheba were set on fire and destroyed. In October, a large scale military operation was necessary in order to restore the Government's authority in the Old City of Jerusalem. The total of known deaths resulting from terrorist and gang activities in 1938 was 835. In addition it was estimated that 1,000 Arab insurgents were killed in actions with the military and police.

82. On the 12th September, the police force was placed under the operational control of the General Officer Commanding the troops, and in the following month the powers and duties of the District Commissioners under the Defence Regulations were transferred to Military Commanders. In the course of 1938, the General Officer Commanding confirmed 54 death sentences passed by military tribunals.

83. The rising continued into 1939, but with diminishing vigour. Its decline seems to have been due in part to the waning enthusiasm of the Arab villagers, on whom had fallen much of the burden of maintaining the guerrillas, in part to the readiness of many Arabs to accept the policy formulated by the mandatory Power in the White Paper of May of that year (see below, paragraphs 102-111). The Jewish community, a section of which had begun in 1938 to execute reprisals against the Arabs, was correspondingly angered by the new policy. The publication of the White Paper was immediately followed by an outburst of Jewish violence, which continued until the second world war began in September.

The Royal Commission of 1936-1937.

84. A Royal Commission, under the Chairmanship of Lord Peel, was appointed in August 1936 with the task of enquiring into the underlying causes of the disturbances and into the operation of the Mandate, and of making recommendations for the removal of any legitimate grievances felt by Jews or Arabs on account of the way in which the Mandate was being implemented. The Commission submitted its Report* in June, 1937.

85. On the first part of its terms of reference, the conclusions of the Commission were as follows :—

“We have no doubt as to what were “the underlying causes of the disturbances” of last year. They were :—

- (i) The desire of the Arabs for national independence.
- (ii) Their hatred and fear of the establishment of the Jewish National Home.

We make the following comments on these two causes :—

- (i) They were the same underlying causes as those which brought about the “disturbances” of 1920, 1921, 1929 and 1933.
- (ii) They were, and always have been, inextricably linked together. The Balfour Declaration and the Mandate under which it was to be implemented involved the denial of national independence at the outset. The subsequent growth of the National Home created a practical obstacle, and the only serious one, to the concession later of national independence. It was believed that

* Cmd. 5479.

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its further growth might mean the political as well as economic subjection of the Arabs to the Jews, so that, if ultimately the Mandate should terminate and Palestine become independent, it would not be national independence in the Arab sense but self-government by a Jewish majority.

(iii) They were the only "underlying" causes. All the other factors were complementary or subsidiary, aggravating the two causes or helping to determine the time at which the disturbances broke out.

The other factors may be summarized as follows :—

(i) The effect on Arab opinion in Palestine of the attainment of national independence first by Iraq, to a less complete extent by Trans-Jordan, then by Egypt and lastly, subject to a short delay, by Syria and the Lebanon. The weight of this factor has been augmented by close contact between Arabs in Palestine and Arabs in Syria, Iraq and Saudi Arabia and by the willingness shown by the Arab Rulers to do what they properly could to assist them.

(ii) The pressure on Palestine exerted by World Jewry in view of the sufferings and anxieties of the Jews in Central and Eastern Europe. The increase in this pressure from the beginning of 1933 onwards and the consequent high figures of Jewish immigration gravely accentuated Arab fears of Jewish domination over Palestine.

(iii) The inequality of opportunity enjoyed by Arabs and Jews respectively in putting their case before Your Majesty's Government, Parliament and public opinion in this country; and the Arab belief that the Jews can always get their way by means denied to the Arabs. Based in general on the status of the Jewish Agency both in Jerusalem and in London, this belief was greatly strengthened by the publication of Mr. MacDonald's letter to Dr. Weizmann in 1931 and by the debates in Parliament on the proposals for a Legislative Council early last year.

(iv) Associated with this last factor, the growth of Arab distrust, dating back to the time of the McMahon Pledge and the Balfour Declaration, in the ability, if not the will, of Your Majesty's Government to carry out their promises.

(v) Arab alarm at the continued purchase of Arab land by Jews.

(vi) The intensive character of Jewish nationalism in Palestine; the "modernism" of many of the younger immigrants; the provocative language used by irresponsible Jews; and the intemperate tone of much of the Jewish as well as the Arab Press.

(vii) The general uncertainty, accentuated by the ambiguity of certain phrases in the Mandate, as to the ultimate intentions of the Mandatory Power. This uncertainty has aggravated all the difficulties of the situation, and in particular has (a) stimulated the Jewish desire to expand and consolidate their position in Palestine as quickly as may be, and (b) made it possible for the Arabs to interpret the conciliatory policy of the Palestine Government and the sympathetic attitude of some of its officials as showing that the British determination to implement the Balfour Declaration is not whole-hearted.

86. The Commission gave careful consideration to the grievances of both Arabs and Jews against the mandatory Administration, and reached the conclusion that the principal concession demanded by each people could not legitimately be granted. Thus the Commission wrote as follows on the Arab demand for self-government :—

"We are confronted . . . with a paradoxical situation. The Arabs of Palestine, it has been admitted, are as fit to govern themselves as the Arabs of Iraq or Syria. The Jews of Palestine, it is clear, are as fit to govern themselves as any organized and educated community in Europe or elsewhere. Yet, associated as they are under

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the Mandate, self-government is impracticable for both peoples. Nowhere, indeed, in all the fields in which the Mandate operates is the deadlock so complete as in this last field. Nowhere is it more manifest that the Mandate cannot be fully and honourably implemented unless by some means or other the national antagonism between Arab and Jew can be composed. But it is the Mandate that created that antagonism and keeps it alive; and, as long as the Mandate exists, we cannot honestly hold out the expectation that either Arabs or Jews will be able to set aside their national hopes or fears and sink their differences in the common service of Palestine. That being so, real "self-governing institutions" cannot be developed, nor can the Mandate ever terminate, without violating its obligations, general or specific. For at any given time there must be either an Arab or a Jewish majority in Palestine, and the government of an independent Palestine, freed from the Mandate, would have to be either an Arab or a Jewish government. In the latter event—assuming, we repeat, that the miracle of reconciliation has not happened and that politics are still conducted on lines of race—the general obligation implicit in all Mandates that the people entrusted to Mandatory administration are to be enabled in course of time to "stand by themselves" would not have been fulfilled. In the other event, the obligation in Article 2 "for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish National Home" would not have been discharged."

At the same time the Commission, so far from endorsing the Zionist view that immigrants should be more freely admitted, reached the conclusion that "political, social and psychological considerations", as well as economic absorptive capacity, should be taken into account when the rate of immigration was determined. They accordingly recommended that, if the Mandate was to continue, immigration should be confined within a maximum figure (or, as they termed it, "a political high level") of 12,000 annually during the succeeding five years.

87. The members of the Peel Commission were led by their diagnosis of the situation in Palestine to the conclusion that the obligations imposed upon the Mandatory by the terms of the Mandate were mutually irreconcilable.

"To put it in one sentence, we cannot—in Palestine as it now is—both concede the Arab claim to self-government and secure the establishment of the Jewish National Home."

88. In these circumstances the maintenance of the Mandate would mean the indefinite continuance of unrest and disturbance. The Commission therefore recommended that His Majesty's Government should take steps to terminate the Mandate and to partition the country in such a way as to create an independent Jewish State in the north and west, and to incorporate most of the remaining territory in Trans-Jordan.

"Manifestly", the Commission wrote, "the problem cannot be solved by giving either the Arabs or the Jews all they want. The answer to the question 'Which of them in the end will govern Palestine?' must surely be 'Neither'. We do not think that any fair-minded statesman would suppose, now that the hope of harmony between the races has proved untenable, that Britain ought either to hand over to Arab rule 400,000 Jews, whose entry into Palestine has been for the most part facilitated by the British Government and approved by the League of Nations; or that, if the Jews should become a majority, a million or so of Arabs should be handed over to their rule. But, while neither race can justly rule all Palestine, we see no reason why, if it were practicable, each race should not rule part of it."

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89. The Commission believed that partition on the lines they proposed, while demanding from both Arabs and Jews some sacrifice of their aspirations, would confer on each of them substantial advantages. A large part of the Arab population would obtain its independence, and would be finally delivered from the possibility of ultimate subjection to Jewish rule. The Jews, conversely, would be secured against the possibility of subjection to Arab rule, and would be free to determine their own rate of immigration. To both peoples partition would offer the prospect of peace. "It is surely worth some sacrifice on both sides if the quarrel which the Mandate started could be ended with its termination."

90. While not intending that the principle of partition should stand or fall with their specific proposals, the Commissioners submitted a map on which the whole of Galilee, the Plain of Esdraelon, and the Maritime Plain as far as a point about ten miles south of Rehovoth, were allocated to the Jewish State. The greater part of Palestine to the south and east of this line would be united with Trans-Jordan. But Jerusalem and Bethlehem, with a corridor reaching the sea at Jaffa, and also Nazareth would remain under British Mandate.

91. His Majesty's Government issued, simultaneously with the Report of the Royal Commission, a statement of policy in which they announced that :

"In the light of experience and of the arguments adduced by the Commission, they are driven to the conclusion that there is an irreconcilable conflict between the aspirations of the Arabs and the Jews in Palestine, that these aspirations cannot be satisfied under the terms of the present Mandate, and that a scheme of partition on the general lines recommended by the Commission represents the best and most hopeful solution of the deadlock."

92. The proposal that Palestine should be partitioned met with uncompromising hostility in the Palestinian Arab community, and was condemned by a pan-Arab Congress held at Bludan in September. The Zionists, while unanimous in denying the contention that the Mandate had proved unworkable and in rejecting the frontier proposed by the Peel Commission, were divided on the principle of partition. The twentieth Zionist Congress, which met at Zurich in August, empowered its Executive to enter into negotiations with the object of ascertaining the precise plan of partition which the Mandatory would offer. The Executive must then refer the plan to a newly elected Congress for consideration and decision. The Council of the Jewish Agency, meeting immediately after the Zionist Congress, instructed its Executive in the same sense, adding however a resolution to the effect that His Majesty's Government should be asked to convene a conference of the Jews and Arabs of Palestine in order to explore the possibility of a peaceful settlement in an undivided Palestine on the basis of the Balfour Declaration and the Mandate.

93. The Peel Report was also examined by the Permanent Mandates Commission, at its thirty-second session in August, 1937. In the course of a preliminary opinion addressed to the Council of the League of Nations, the Mandates Commission stated that :

"The present Mandate became almost unworkable once it was publicly declared to be so by a British Royal Commission speaking with the twofold authority

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conferred on it by its impartiality and its unanimity, and by the Government of the Mandatory Power itself."

The Mandates Commission therefore advised that the British Government should be empowered to explore the possibility of a "new territorial solution". They considered, however, that it would be unwise to establish two independent States without a further period of mandatory supervision. They therefore recommended that, if the policy of partition was adopted, the Jewish and Arab States should remain under a transitional mandatory regime, either as separate entities or in some form of provisional federation, until they had given sufficient proof of their ability to govern themselves.

94. The League Council adopted, on the 16th September, a resolution authorising the Mandatory to prepare a detailed plan for the partition of Palestine, meanwhile deferring consideration of the substance of the new proposal until this plan had been submitted.

The Partition Commission, 1938.

95. In accordance with the League Council's resolution, a technical Commission was appointed in February, 1938, under the chairmanship of Sir John Woodhead. The following is an extract from its terms of reference:—

"Taking into account the plan of partition outlined in Part III of the Report of the Royal Commission, but with full liberty to suggest modifications of that plan, including variation of the areas recommended for retention under British Mandate,

And taking into account any representations of the communities in Palestine and Trans-Jordan —

(i) to recommend boundaries for the proposed Arab and Jewish areas and the enclaves to be retained permanently or temporarily under British Mandate which will —

(a) afford a reasonable prospect of the eventual establishment, with adequate security, of self-supporting Arab and Jewish States:

(b) necessitate the inclusion of the fewest possible Arabs and Arab enterprises in the Jewish area and vice versa; and

(c) enable His Majesty's Government to carry out the Mandatory responsibilities the assumption of which is recommended in the Report of the Royal Commission, including the obligations imposed by Article 28 of the Mandate as regards the Holy Places."

96. The Woodhead Commission arrived in Palestine on the 27th April and left on the 3rd August. They found that the Jewish State contemplated by the Peel Commission, after certain modifications of the proposed frontier which its security would necessitate, would contain an Arab minority amounting to 49 per cent of the total population. The Royal Commission, they pointed out,

"recognised that the existence of a large Arab minority in the proposed Jewish State would prove a most serious hindrance to the smooth and successful operation of partition, and they contemplated that the problem created by this large Arab minority should be solved by the transfer to the Arab State of the greater part of the Arabs constituting that minority. It does not seem too much to say that the successful solution of this problem was a

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fundamental assumption in their plan, and that, if it should appear that no such solution can be found, the greater part of the case on which their plan rests falls to the ground In our opinion it is impossible to provide, by voluntary exchange or transfer, for the removal of any but a small fraction of the Arab minority in the Jewish State."

They therefore rejected this proposal, and examined other possibilities. The Chairman and one of the other three Commissioners eventually recommended a plan which would have confined the Jewish State to a strip of territory in the northern part of the Maritime Plain, approximately 75 kilometres in length but intersected by an Arab enclave at Jaffa and the corridor connecting the mandated territory of Jerusalem with the sea. Under this plan, the additional areas in the north which the Peel Commission would have allocated to the Jewish State were not to pass under Arab rule. They would be administered by the Mandatory until their Arab and Jewish populations could agree on their final destination, which might involve either fusion with the Arab or the Jewish State or the establishment of a third independent State. A similar mandatory regime was to be established in the south, over an area roughly corresponding to the sub-district of Beersheba. The plan also embodied the Royal Commission's recommendation for a Jerusalem enclave under British administration.

97. It followed that the majority proposals of the Woodhead Commission would involve early independence only for the central part of Palestine, lying between the northern and southern mandated areas and excluding the Jerusalem enclave. Even in this restricted area, independence would not be unqualified. For the two Commissioners recommended, as an essential feature of their plan, a customs union between the three administrations (Arab, Jewish and Mandatory). They proposed that the tariff policy of the union should be determined by the Mandatory after consultation with Arab and Jewish representatives. Thus the two independent States envisaged by the Royal Commission would be reduced both in territory and in sovereignty.

98. Of the two other members of the Woodhead Commission, one recommended the addition to the proposed Jewish State of the valleys of Esdraelon and Jezreel, with lakes Huleh and Tiberias, thus leaving the hills of Galilee outside but encircled by the Jewish territory. The other concluded that no form of partition was practicable.

99. In a White Paper* issued simultaneously with the Report of the Partition Commission, His Majesty's Government announced that they

"have reached the conclusion that this further examination has shown that the political, administrative and financial difficulties involved in the proposal to create independent Arab and Jewish States inside Palestine are so great that this solution of the problem is impracticable."

They announced their intention of convening a conference in London, at which they would seek to reach agreement with Arab and Jewish representatives on an alternative means of overcoming the difficulties described by the Royal Commission.

100. The London Conference was attended on the one side by representatives of the Arabs of Palestine and of the Governments of Egypt, Iraq, Saudi Arabia and

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Yemen, on the other by the Jewish Agency for Palestine, which associated with its delegation a number of representatives of Jewish opinion outside the ranks of the Agency itself. Since the Arabs maintained their refusal to recognise the Jewish Agency, it was necessary to organise two separate conferences, one Anglo-Arab and the other Anglo-Jewish. The conversations lasted from the 7th February until the 15th March. The British Delegation presented proposals similar to those which were subsequently published in the White Paper of May, 1939. They were rejected by the Jews in principle; to the Arabs they represented an acceptable basis for discussion, but no agreement was reached.

101. At the Anglo-Arab conference it was found necessary to enquire into the bearing on the Palestine situation of an exchange of letters which had taken place in 1915-16 between Sir Henry McMahon, High Commissioner in Cairo, and the Sherif Hussein of Mecca*. The Arab delegates maintained that Palestine was one of the Arab countries the independence of which was promised in this correspondence. The British delegation, though conceding that "the Arab contentions regarding the interpretation of the correspondence . . . have greater force than has appeared hitherto", was unable to accept this view.

The White Paper of May, 1939.

102. The statement of policy issued by His Majesty's Government in May, 1939, was intended to put an end to uncertainty as to the objectives of their policy in Palestine, and to prepare the way for the termination of the Mandate. The statement opened with a clear definition of the attitude of His Majesty's Government towards the maximum claims of both Arabs and Jews. Thus, after quoting the interpretation of the Balfour Declaration contained in the White Paper of 1922, they

"now declare unequivocally that it is not part of their policy that Palestine should become a Jewish State."

At the same time they maintained their rejection of the Arab contention that they were pledged, by undertakings given during the war of 1914-18, to grant independence to the Arab population of Palestine :—

"They . . . cannot agree that the McMahon correspondence forms a just basis for the claim that Palestine should be converted into an Arab State."

103. The objective of His Majesty's Government was then stated to be

"the establishment within ten years of an independent Palestine State . . . in which Arabs and Jews share in government in such a way as to ensure that the essential interests of each community are safeguarded."

104. Before such a State could be established, a period of transition would be necessary in which the Mandatory would attempt to improve relations between the two communities and to build up the machinery of self-government. During this period, Palestinians, Arabs and Jews, would be placed in charge of the Departments of Government approximately in proportion to their respective population and introduced into the Executive Council. The hope was expressed that it might prove

* Cmd. 5974. See also Cmd. 5957 and Cmd. 5964.

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possible to establish an elective legislature. And at the end of five years "an appropriate body representative of the people of Palestine and of His Majesty's Government" would make recommendations for the constitution of the future independent State. The period of transition would be designed to terminate in ten years. But :

"If, at the end of ten years, it appears to His Majesty's Government that, contrary to their hope, circumstances require the postponement of the establishment of the independent State, they will consult with representatives of the people of Palestine, the Council of the League of Nations and the neighbouring Arab States before deciding on such a postponement. If His Majesty's Government come to the conclusion that postponement is unavoidable, they will invite the cooperation of these parties in framing plans for the future with a view to achieving the desired objective at the earliest possible date."

105. Nothing was said in the White Paper on the constitution of the independent State, beyond the general principle that it must enable Arabs and Jews to share in government in such a way that the essential interests of each were safeguarded. The Colonial Secretary, when he subsequently appeared before the Permanent Mandates Commission, indicated two possible means through which effect might be given to this principle in the future constitution. There might, he suggested, be a federal system with equal representation in the central institutions for an Arab province and a Jewish province. Or, if the State was constructed on a unitary and not a federal basis, the constitution might provide that, on matters of importance, no decision could be taken unless a majority of the Arab and a majority of the Jewish members of the legislature were in agreement.

106. It was provided in the White Paper that the independent State should enter into treaty relations with the United Kingdom.

107. The statement of policy next dealt with the subject of Jewish immigration :—

"In the view of the Royal Commission, the association of the policy of the Balfour Declaration with the Mandate system implied the belief that Arab hostility to the former would sooner or later be overcome. It has been the hope of British Governments ever since the Balfour Declaration was issued that in time the Arab population, recognising the advantages to be derived from Jewish settlement and development in Palestine, would become reconciled to the further growth of the Jewish National Home. This hope has not been fulfilled. The alternatives before His Majesty's Government are either (i) to seek to expand the Jewish National Home indefinitely by immigration, against the strongly expressed will of the Arab people of the country; or (ii) to permit further expansion of the Jewish National Home by immigration only if the Arabs are prepared to acquiesce in it. The former policy means rule by force. Apart from other considerations, such a policy seems to His Majesty's Government to be contrary to the whole spirit of Article 22 of the Covenant of the League of Nations, as well as to their specific obligations to the Arabs in the Palestine Mandate. Moreover, the relations between the Arabs and the Jews in Palestine must be based sooner or later on mutual tolerance and goodwill; the peace, security and progress of the Jewish National Home itself require this. Therefore His Majesty's Government, after earnest consideration, and taking into account the extent to which the growth of the Jewish National Home has been facilitated over the last twenty years, have decided that the time has come to adopt in principle the second of the alternatives referred to above."

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It was accordingly provided that, after the admission of not more than 75,000 additional immigrants during the five years beginning in April, 1939, "no further Jewish immigration will be permitted unless the Arabs of Palestine are prepared to acquiesce in it."

108. The last section of the White Paper dealt with the transfer of land from Arab to Jewish ownership.

"The Administration of Palestine is required, under Article 6 of the Mandate, "while ensuring that the rights and position of other sections of the population are not prejudiced", to encourage "close settlement by Jews on the land", and no restriction has been imposed hitherto on the transfer of land from Arabs to Jews. The Reports of several expert Commissions have indicated, that, owing to the natural growth of the Arab population and the steady sale in recent years of Arab land to Jews, there is now in certain areas no room for further transfers of Arab land, whilst in some other areas transfers of land must be restricted if Arab cultivators are to maintain their existing standard of life and a considerable landless Arab population is not soon to be created. In these circumstances, the High Commissioner will be given general powers to prohibit and regulate transfers of land. These powers will date from the publication of this statement of policy and the High Commissioner will retain them throughout the transitional period."

109. The policy expounded in the White Paper was bitterly condemned by all Zionist opinion. The Zionist Congress of 1939 denied its moral and legal validity, and declared that the Jewish people would not acquiesce in the reduction of its status in Palestine to that of a minority. The Arabs criticised the length of the period of transition, the provision for its possible prolongation, and the proposal that representatives of the mandatory Power should participate in framing the constitution of the independent State. Nevertheless there were signs that the Arabs would, in practice, be ready to acquiesce in the application of the new policy.

110. The Mandatory's new statement of policy was examined by the Permanent Mandates Commission at their thirty-sixth session in June, 1939. The Commission reported that :

"the policy set out in the White Paper was not in accordance with the interpretation which, in agreement with the Mandatory Power and the Council, the Commission had always placed upon the Palestine Mandate."

They went on to consider whether the Mandate was open to a new interpretation with which the White Paper would not be at variance. Four of the seven members

"did not feel able to state that the policy of the White Paper was in conformity with the Mandate, any contrary conclusion appearing to them to be ruled out by the very terms of the Mandate and by the fundamental intentions of its authors."

The other three members

"were unable to share this opinion; they consider that existing circumstances would justify the policy of the White Paper, provided the Council did not oppose it."

111. It was the intention of His Majesty's Government to seek the approval of the League Council for their new policy. This, however, they were prevented from doing by the outbreak of war in September.

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Palestine during and after the Second World War.

112. Acts of terrorism committed by Jews ceased altogether with the outbreak of war, and the armed Arab bands melted away before the end of the year. The Jewish Agency called on the Jewish community to offer its full assistance to the mandatory Power, and similar appeals were made in the Arabic press. In the course of the war the Jews provided 27,000 recruits for the British services, and the Arabs 12,000. A Jewish Brigade Group was formed in 1944.

113. In February, 1940, the Government promulgated Land Transfers Regulations under which the country was divided into three zones. In the largest of these zones, all transfers of land to persons other than Palestinian Arabs were prohibited, except, where certain specified conditions obtain, with the permission of the High Commissioner. In the second zone, Palestinian Arabs were forbidden to transfer their land except to another Palestinian Arab or with the specific approval of the High Commissioner. No restrictions were placed upon the transfer of land in a third and smaller zone, including a considerable part of the coastal plain and all municipal areas. These Regulations gave effect to the land clauses of the 1939 White Paper. It is to be noted, however, that a similar Regulation had been drafted before that statement of policy was prepared with the object of replacing the earlier and defective legislation for the protection of cultivators.

114. When the five-year period of continuing Jewish immigration contemplated in the White Paper came to an end in the spring of 1944, the 75,000 certificates had not all been utilised; this was due to the difficulties in the way of escape from Hitler's Europe. It was decided that it would be inequitable in these circumstances to withhold the residue of 24,000 certificates, the time limit of which was accordingly waived. From the 1st October, 1944, a monthly rate of Jewish immigration was fixed at the figure of 1,500. When the 75,000 certificates were finally exhausted, at the end of 1945, it was decided that this monthly rate should be maintained pending the report of the Anglo-American Committee of Inquiry, which was then starting its work. Jewish immigration is still proceeding at this rate.

115. The regulation of Jewish immigration into Palestine has been greatly complicated, since before the outbreak of war, by attempts to organise the unauthorised entry of large bodies of immigrants. During the war it was more than ever imperative that the Administration should resist this threat to its authority, since the shiploads of refugees came from inside Axis-controlled Europe and offered an opportunity for the infiltration of enemy agents. In November, 1940, it was decided that illegal immigrants would be deported to an alternative place of refuge in the Colonial Empire. The first contingent of deportees under this policy was assembled on board the s.s. PATRIA in Haifa harbour. The PATRIA, however, was scuttled at her moorings on the 25th November, as a result of sabotage by Jewish sympathisers ashore, with the loss of 252 lives. Numbers of illegal immigrants were subsequently deported to Mauritius; they were admitted to

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10 Palestine in 1945 and an equivalent number was deducted from the quota provided for in the White Paper.

116. In a statement of immigration policy issued on the 30th January, 1946, the High Commissioner announced that, within the interim quota of 1,500 a month :

"Preference will be given to those European Jews who have a special claim, such as those to whom the Palestine Government have already undertaken obligations, and relatives in Europe of Jews already established in Palestine. Illegal immigrants will of course continue to be deducted from quotas."

The intensification of the traffic in illegal immigrants, which was resumed on a substantial scale towards the end of 1945, made it impossible for the Administration fully to apply its system of preferential categories. In the period between the 15th December, 1945, and the 14th March, 1947, no less than 13,989 illegal Jewish immigrants* were permitted to settle in Palestine; an equivalent number was accordingly deducted from the quotas.

117. In the summer of 1946 the inflow of illegal immigrants reached such dimensions that it was no longer possible to accommodate them in camps in Palestine. It was therefore decided, in August, that future shiploads would be transferred on arrival to British ships and taken to camps in Cyprus. Since December, 1946, the monthly quota has been allocated as follows : 50 per cent to the illegal immigrants in Cyprus; of the remaining 750 certificates, approximately 100 allotted to meet statutory obligations and to cover illegal immigrants in Palestine not previously debited to quotas, while the balance is divided equally between the relatives of Palestinian residents and Jews in the camps for displaced persons in the British Zone of Germany.

118. The lull in terrorist activity did not continue throughout the war years. The Jewish community resented the Land Transfers Regulations and the measures taken against unauthorised immigration. In 1942, a small group of Zionist extremists, led by Abraham Stern, came into prominence with a series of politically motivated murders and robberies in the Tel Aviv area. In the following year there came to light a widespread conspiracy, connected with Hagana (an illegal military formation controlled by the Jewish Agency), for stealing arms and ammunition from the British forces in the Middle East. In August, 1944, the High Commissioner narrowly escaped death in an ambush outside Jerusalem. Three months later, on the 6th November, the British Minister of State in the Middle East (Lord Moyne) was assassinated in Cairo by two members of the Stern group. A third illegal Jewish organization, the Irgun Zvai Leumi, was responsible for much destruction of Government property during 1944. The outrages perpetrated by the Stern group and the Irgun Zvai Leumi were condemned by the official spokesmen of the Jewish community.

119. During the early months of 1945 security conditions generally were better than for some time past. A declaration in May by the Irgun Zvai Leumi to the effect that V-day for the world would be D-day for them was, however, the prelude

* This figure includes 1,014 immigrants from Europe who arrived on board the FEDE and FENICE in May 1946 and received certificates on arrival and, also, 2,250 immigrants detained in Cyprus and subsequently admitted to Palestine on certificates against the quota.

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to a series of outrages of increasing scope and intensity, culminating in a country wide attack on communications on June 16th, 1946, in which Hagana played a principal part. Damage caused by terrorist action on 10th, 16th and 17th June was estimated at £P.300,000. Orders were then given to implement the plan directed against the whole network of illegal armed organisations. Action included the arrest of a number of Jewish leaders, some of them members of the Executive of the Jewish Agency, who were known to have been personally implicated in the organisation of acts of violence in Palestine*.

120. On the 22nd July, the campaign conducted by terrorist organisations reached a new climax with an explosion which wrecked a wing of the King David Hotel in Jerusalem, containing the offices of the Government Secretariat as well as part of military headquarters, and killed 86 public servants, Arab, Jewish and British, as well as five members of the public. Later terrorist activities have included the kidnapping of a British judge and of British officers, sabotage of the railway system and of oil installations at Haifa, and the blowing up of a British Officers' Club in Jerusalem with considerable loss of life. In order that the administration of the country might proceed unhampered by terrorist reprisals against the British community as threatened, non-essential British civilians and military families were evacuated from Palestine and the remaining members of the British community were concentrated in security zones at the beginning of February, 1947. In the same month "statutory martial law" was imposed for a limited period on an area of the Lydda district comprising Tel Aviv (with the Jewish quarters of Jaffa), Ramat Gan, Bnei Braq and Petah Tiqva, as well as on an area of Jerusalem predominantly inhabited by Jews.

121. The war gave rise to inflationary conditions in Palestine. The volume of currency in circulation increased from £P.5,509,134 at the end of 1938 to £P.48,438,141 at the end of 1945. Public revenue, for the year 1946-47, reached the figure of £P.25,429,000. Imports and exports in 1946 totalled £P.70,431,829 and £P.24,484,872 respectively.

122. These figures reflected a substantial military expenditure incurred in Palestine by British and Allied forces in the Middle East, together with an expansion of economic activity caused by the severance of normal trade routes and the large measure of autarchy which was consequently imposed on the Middle Eastern area. Various new industries were developed in Palestine, agricultural production was abnormally stimulated, and both communities benefited from the resulting prosperity. The negative effects of the dislocation caused by the war were felt principally in the citrus industry. In 1942-43 citrus exports fell to less than 5,000 cases, as compared with more than 15,000,000 in 1938-39. The citrus groves, however, were, for the most part, kept in good condition with the aid of Government loans, and the industry is now recovering its markets. During the war years, diamonds, cut and polished in Palestine, replaced citrus fruits as the country's most valuable export. This all-Jewish industry, first established in Palestine in 1939, produced exports to the value of nearly £P.6,000,000 in 1945.

* Cmd. 6873.

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123. The total settled population of Palestine is now approximately 1,887,000, the Jews being estimated at 625,000. The numbers of Jewish immigrants entering Palestine from 1937 to 1946 (including illegal immigrants debited to quotas) are shown in the following table :—

1937	...	...	10,536
1938	...	...	12,868
1939	...	...	27,561
1940	...	...	10,445
1941	...	...	3,839
1942	...	...	3,581
1943	...	...	8,558
1944	...	...	14,491
1945	...	...	13,156
1946	...	...	17,761

Total for ten-year period . . . 122,796

Despite the smaller volume of immigration, the Jewish National Home continued to expand. By the end of 1944, the number of Jewish agricultural settlements had risen to 259, with a total population of 138,000. A year earlier, the capital invested in Jewish industry amounted to £P.20,523,000. It was calculated that the Jewish community paid approximately 63 per cent of all the taxation collected by the Palestine Government in 1944-45.

124. Meanwhile the Arab standard of life continued to improve. This was best demonstrated by the continuing decline of mortality, owing to greater prosperity and increasing medical facilities. The mortality rate of the Palestine Moslems fell by 38 per cent between 1927-29 and 1942-44, with the result that the average expectation of life at birth rose, for Moslem males, from 37 to 49 years, and for females from 38 to 50. The expansion of Government educational services was resumed after 1933; in 1945-46 there were 91,000 Arab boys and 33,900 Arab girls attending school. These formed 57 per cent and 23 per cent respectively of the Arab boys and girls in the age group 5 to 14 years. (For comparative figures of earlier periods see paragraphs 28 and 67).

The Arab economy remained preponderantly agricultural, and the Administration continued to give every possible encouragement to the efforts of the Arab farmers to increase the productivity of their land. These efforts were largely directed to a greater diversification of crops. In 1921, winter crops (cereals and fodder) accounted for 71 per cent of Palestine's total agricultural production, other than citrus fruits. The more profitable summer crops (including millet but consisting principally of fruit, vegetables and olives) rose from 29 per cent of total production in 1921 to 67 per cent in 1942. The greater part of this transformation has taken place on the Arab farms. In addition, the proportion of the citrus-growing area in Arab hands, after falling below 50 per cent in the early thirties, has again risen above that proportion. The Arab cultivators shared in the general prosperity brought about by the war, and have undoubtedly freed themselves from

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much of the debt which burdened them previously. Nevertheless, the Arabs still lag far behind the Jews in income per head, in industrial development and in the extent of social services available to them.

125. In the exceptional conditions created by the war, Palestine became an important source of supply for a wide range of commodities required for both civil and military consumption in the Middle East. New industries were introduced, and exports of manufactured goods, other than petroleum products, increased from £P.983,000 in 1940 to £P.4,496,000 in 1944. This development was assisted by the supply shortages and difficulties of access which tended to cut off Palestine and neighbouring countries from their pre-war sources of supply in Europe and America. Palestine's exports to other Middle Eastern countries consequently rose in value from £P.518,000 in 1939 to £P.8,718,000 in 1944; they represented 60 per cent of total exports in 1944, as compared with only 10 per cent in 1939. The economic future of Palestine, while not wholly or even largely dependent on economic relations with the Arab States, must to some extent be influenced by the degree to which she can maintain her position as an exporter of manufactured goods to the other Middle Eastern countries in the face of normal competition, unless a decline in that trade can be compensated by success in entering other markets. So far as the Arab States are concerned, the question is not purely economic. A boycott on Palestinian Jewish goods, decreed by the Council of the Arab League in December, 1945, was put into force by the member States in the New Year. Mainly from this cause, and partly on account of the reopening of pre-war trade routes, Palestine's exports to the independent Arab countries declined in 1946 to approximately 33 per cent of their value in the previous year, while imports into Palestine from Arab countries increased by 10% in 1946 as compared with imports in 1945. However, total export trade, which had steadily expanded since 1941, showed a further increase in 1946, owing largely to the recovery of markets for citrus fruit.

The Anglo-American Committee of Inquiry.

126. When the second World War came to an end in 1945, it was not possible for the mandatory Power to give full effect to the policy set out in the White Paper of 1939. The League of Nations, to which that document was to have been submitted for approval, no longer existed. And the tragic fate of the Jewish people in Europe had created a demand that the Palestine problem should be examined again in relation to the needs of the survivors of racial persecution.

127. This demand was strong in the United States. In August, 1945, President Truman wrote to Mr. Attlee suggesting that the concession of 100,000 immigration certificates for Palestine would be an important contribution to the settlement of displaced European Jews.

128. His Majesty's Government could not adopt this proposal, which would have involved taking a major decision on policy in Palestine before the future of that country had been fully reconsidered in the light of post-war circumstances.

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They accordingly obtained the agreement of the United States Government to the appointment of an Anglo-American Committee of Inquiry, with the following terms of reference :—

1. To EXAMINE POLITICAL, economic and social conditions in Palestine as they bear upon the problem of Jewish immigration and settlement therein and the well-being of the peoples now living therein.
2. To EXAMINE THE POSITION of the Jews in those countries in Europe where they have been the victims of Nazi and Fascist persecution, and the practical measures taken or contemplated to be taken in those countries to enable them to live free from discrimination and oppression and to make estimates of those who wish or will be impelled by their conditions to migrate to Palestine or other countries outside Europe.
3. To HEAR THE VIEWS of competent witnesses and to consult representative Arabs and Jews on the problems of Palestine as such problems are affected by conditions subject to examination under paragraph 1 and paragraph 2 above and by other relevant facts and circumstances, and to make recommendations to His Majesty's Government and the Government of the United States for ad interim handling of these problems as well as for their permanent solution.
4. To MAKE SUCH OTHER recommendations to His Majesty's Government and the Government of the United States as may be necessary to meet the immediate needs arising from conditions subject to examination under paragraph 2 above, by remedial action in the European countries in question or by the provision of facilities for emigration to and settlement in countries outside Europe.

129. The twelve members of the Anglo-American Committee of Inquiry, working with a time limit of 120 days, held their first meeting in Washington on 4th January, 1946, and signed an unanimous Report* at Lausanne on 20th April. The Committee recommended that the constitutional future of Palestine should be based on three principles :—

- I. That Jew shall not dominate Arab and Arab shall not dominate Jew in Palestine.
- II. That Palestine shall be neither a Jewish state nor an Arab state.
- III. That the form of government ultimately to be established, shall, under international guarantees, fully protect and preserve the interests in the Holy Land of Christendom and of the Moslem and Jewish Faiths."

The Committee explicitly rejected partition and concluded that "now and for some time to come any attempt to establish either an independent Palestinian State or independent Palestinian States would result in civil strife such as might threaten the peace of the world". They accordingly recommended that Palestine should

* Cmd. 6808.

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continue to be administered under the Mandate pending the execution of a trusteeship agreement. The Committee made no precise recommendation concerning the administrative system or the development of self-governing institutions during the long period of continuing British rule which they envisaged. They made a number of proposals for economic and social development, and recommended the revocation of the Land Transfers Regulations of 1940 and the immediate authorisation of 100,000 immigration certificates, which should be "awarded as far as possible in 1946", actual immigration being "pushed forward as rapidly as conditions will permit."

130. The Report was published in London and Washington on the 30th April. On the evening of that day President Truman issued a statement which read in part as follows :—

"I am very happy that the request which I made for the immediate admission of 100,000 Jews into Palestine has been unanimously endorsed by the Anglo-American Committee of Inquiry. The transference of these unfortunate people should now be accomplished with the greatest despatch. . . . I am also pleased that the Committee recommends in effect the abrogation of the White Paper of 1939 including existing restrictions on immigration and land acquisition to permit the further development of the Jewish national home. It is also gratifying that the report envisages the carrying out of large scale economic development projects in Palestine which would facilitate further immigration and be of benefit to the entire population. In addition to those immediate objectives the report deals with many other questions of long-range political policies and questions of international law which require careful study and which I will take under advisement."

131. On the following day the Prime Minister, in a statement to the House of Commons, made it clear that His Majesty's Government could not agree to decide upon the Committee's recommendations concerning immigration in advance of their general decision on the Report. "The Report", he said, "must be considered as a whole in all its implications". He also stated the Government's conclusions that they were not in a position to give effect to the Report with their own financial and military resources alone, and that the disbandment and disarmament of illegal military formations in Palestine would be an essential precondition to the admission of the 100,000 immigrants.

132. The Report was examined at meetings between British and American officials in London during June and July. The two delegations of officials reached full agreement on the terms of a report to their Governments. Taking as their starting point the third (constitutional) recommendation of the Anglo-American Committee quoted in paragraph 129 above, they advocated, as the means for putting this recommendation into effect, a plan for provincial autonomy.

133. Under this plan, the greater part of Palestine would be divided into an Arab and a Jewish province, the latter including almost the entire area on which Jews had already settled together with a considerable area between and around the settlements. Each province would have an elected legislature and an executive,

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with a wide range of functions including control over land transfers and the power to limit immigration. Jerusalem and Bethlehem, together with the Negeb (defined as the uninhabited triangle of waste land in the south of Palestine) would remain under the direct control of the Central Government.

134. The Central Government would be administered by the British High Commissioner, with a nominated Executive Council. It would have exclusive authority in questions of defence, foreign relations, customs and excise, and initially in the administration of law and order. It would also have all powers not expressly granted to the provinces.

135. Outlining the plan in the House of Commons, Mr. Herbert Morrison claimed that it :

“would greatly simplify the problem of Jewish immigration into Palestine. Though final control over immigration would continue to rest with the Central Government, this control would be exercised on the basis of recommendations made by the Provincial Governments. So long as the economic absorptive capacity of the province was not exceeded, the Central Government would authorise the immigration desired by the Provincial Government. It would have no power to authorise immigration in excess of any limitations proposed by the Provincial Governments. Thus, though the Government of the Arab Province would have full power to exclude Jewish immigrants from its Province, the Jewish Province would, normally, be able to admit as many immigrants as its Government desired. As part of this plan, the experts suggest that it would become possible to accept the recommendations of the Anglo-American Committee for the immediate admission of 100,000 Jewish immigrants into Palestine, and for continuing immigration thereafter.” *

136. It was the intention of His Majesty's Government that, if agreement could be reached on the basis of this plan, it would be embodied in a trusteeship agreement. In the long run, the way would be left open for development either towards an independent federal State or towards partition. If partition was the outcome, its character would be governed by the provision that the boundaries of the Arab and Jewish Provinces could not be modified except by mutual consent.

137. On the 25th July His Majesty's Government approved in principle the policy recommended by the British and American officials, as a basis for negotiation with Arabs and Jews.

138. The United States Government, however, was not prepared to associate itself with this effort to obtain agreement on the basis of the recommendations made by the two delegations of officials.

The London Conference, 1946-47.

139. The States Members of the Arab League, on receiving from His Majesty's Government and the United States Government requests for their views on the

* The text of Mr. Morrisons' speech is reproduced in Cmd. 7044.

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Report of the Anglo-American Committee, had met in conference at Bludan in Syria. Each of the Arab Governments subsequently addressed to His Majesty's Government, in addition to a note containing comments on the Committee's recommendations, a further note inviting the British Government to negotiate "for the conclusion of an agreement which will put an end to the present situation in Palestine and transform it into one in conformity with the provisions of the Charter and agreeable with its aims". The Arab Governments further suggested that the Conference should be convened in time "to conclude a complete and satisfactory agreement before the next Session of the General Assembly to be held in September, 1946". It had been the intention of His Majesty's Government, in accordance with pledges given at various times, to consult the interested parties before reaching a final decision on their policy in Palestine. In conformity with this intention, the Report of the Anglo-American Conference of officials provided that its proposals, if adopted by the two Governments, "should be presented to Arab and Jewish representatives as a basis for negotiations at a Conference to be convened by the United Kingdom Government".

140. Invitations to a Conference in London were issued on 25th July to the Governments of the States Members of the Arab League, to the Jewish Agency for Palestine and to the Palestine Arab Higher Executive. Other prominent Palestinian Arabs, the Secretary General of the Arab League and representatives of Jewish opinion in the United Kingdom and in Palestine were invited subsequently.

141. The Conference opened on 9th September—attended by representatives of all the independent Arab States, together with the Secretary General of the Arab League. Neither the Jews nor the Palestinian Arabs had accepted invitations.

142. The British Delegation put the provincial autonomy plan before the Conference as the first item for discussion. The Arab Delegates at once made it clear that they were opposed to this plan in principle and could not accept it as a basis for discussion. They criticised many of its features; but it was clear that, fundamentally, their rejection of this solution was based on their conviction that any scheme of provincial autonomy would inevitably lead to partition.

143. The British Delegation had at the outset stated that His Majesty's Government were not finally committed to the provincial autonomy plan and were willing to consider any alternative proposals which might be put forward. When it became clear that the Arab delegates were unanimous in their opposition to the provincial plan and were unwilling to discuss it in detail, they were invited to explain what alternative proposals they had for dealing with the problem.

144. In response to this invitation the Arab Delegations propounded their solution*, the main features of which were the following :—

- (a) Palestine would be a unitary State with a permanent Arab majority, and would attain its independence as such after a short period of transition (two or three years) under British Mandate.

* Cmd. 7044.

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(b) Within this unitary State, Jews who had acquired Palestinian citizenship (for which the qualification would be ten years' residence in the country) would have full civil rights, equally with all other citizens of Palestine.

(c) Special safeguards would be provided to protect the religious and cultural rights of the Jewish community.

(d) The sanctity of the Holy Places would be guaranteed and safeguards provided for freedom of religious practice throughout Palestine.

(e) The Jewish community would be entitled to a number of seats in the Legislative Assembly proportionate to the number of Jewish citizens (as defined) in Palestine, subject to the proviso that in no case would the number of Jewish representatives exceed one third of the total number of members.

(f) All legislation concerning immigration and the transfer of land would require the consent of the Arabs in Palestine as expressed by a majority of the Arab members of the Legislative Assembly.

(g) The guarantees concerning the Holy Places would be alterable only with the consent of the United Nations; and the safeguards provided for the Jewish community would be alterable only with the consent of a majority of the Jewish members of the Legislative Assembly.

145. It was the Arab plan that a constitution on these lines should be brought into being during the transition period. The first step would be for the High Commissioner to establish, by nomination, a Provisional Government consisting of seven Arabs and three Jews; and this Government would arrange for the election of a Constituent Assembly, which would be charged with the task of drawing up, within six months, a detailed constitution consistent with the general principles outlined above. If the Constituent Assembly failed to complete its work within the prescribed period of six months, the Provisional Government would itself promulgate a constitution. This was intended to ensure that the scheme could proceed even in the face of a Jewish boycott. Subject to the observance of certain wide directives, the constitution would not be subject to mandatory veto. When the constitution had been adopted, a Legislative Assembly would be elected and the first Head of the independent Palestine State would be appointed. The High Commissioner would then transfer his authority to the Head of the State, and a Treaty would be concluded defining the future relations between His Majesty's Government and the Government of Palestine.

146. The Anglo-Arab Conference was adjourned at the beginning of October, in order to permit certain of the delegates to attend the United Nations General Assembly and the Council of Foreign Ministers. The Conference did not reassemble until the 27th January.

147. During this recess, the Zionist Congress met at Basle, and denounced the plan of provincial autonomy as "a travesty of Britain's obligations under the

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Mandate', unacceptable even as a basis for discussion. It would prevent the settlement of Jews in the greater part of Palestine, while denying them independence even in the territory allocated to the Jewish Province. The Congress also recorded its opposition to any trusteeship superseding the Mandate and postponing the establishment of the Jewish State. Another resolution declared that the Zionist movement could not "in the existing circumstances" participate in the London Conference. The Congress re-affirmed its political programme in the following terms :—

- (i) that Palestine be established as a Jewish Commonwealth integrated in the structure of the democratic world;
- (ii) that the gates of Palestine be opened to Jewish immigration;
- (iii) that the Jewish Agency be vested with the control of immigration into Palestine and with the necessary authority for the upbuilding of the country."

148. When the Anglo-Arab Conference resumed its work in January, 1947, representatives of the Jewish Agency engaged in parallel but informal conversations with His Majesty's Government. In the course of these conversations, they put forward three suggestions. In the first place they asked that Palestine should become a Jewish State. They added that, if no decision could yet be taken as to the ultimate status of Palestine, Jewish immigration should be permitted up to the full extent of the country's economic absorptive capacity and no part of the country should be closed to Jewish land purchase and settlement. Finally, they indicated that they would be prepared to recommend acceptance of "a viable Jewish State in an adequate area of Palestine".

149. On the 7th February, 1947, the British Delegation at the Anglo-Arab Conference submitted new proposals*, which were also communicated to the Jewish Agency. These provided for a five-year period of British trusteeship over Palestine, with the declared object of preparing the country for independence.

150. The proposed terms of trusteeship would include provision for a substantial measure of local autonomy in areas so delimited as to include a substantial majority either of Jews or of Arabs. The High Commissioner would retain responsibility for protecting the minorities in these areas. At the centre, the High Commissioner would endeavour to form a representative Advisory Council. At the end of four years, a Constituent Assembly would be elected. If agreement was reached between a majority of the Arab representatives and a majority of the Jewish representatives in this Assembly, an independent State would be established without delay. In the event of disagreement, the Trusteeship Council of the United Nations would be asked to advise upon future procedure.

151. It was the view of the British Delegation that "any provisions made for future Jewish immigration must rest upon consideration for the well-being of Palestine as a whole". With this end in view, the trusteeship agreement would provide for the admission of 96,000 Jewish immigrants during the first two years

* Cmd. 7044.

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of its operation. Thereafter the rate would be determined, with due regard for the principle of economic absorptive capacity, by the High Commissioner in consultation with his Advisory Council. In the event of disagreement, the final decision would rest with an arbitration tribunal appointed by the United Nations.

152. His Majesty's Government considered that these proposals were consistent with the terms both of the League Mandate and of Article 76 of the United Nations Charter. They also looked forward to an early termination of the trust:

"His Majesty's Government are not prepared to continue indefinitely to govern Palestine themselves merely because Arabs and Jews cannot agree upon the means of sharing its government between them. The proposals contained in the present Memorandum are designed to give the two peoples an opportunity of demonstrating their ability to work together for the good of Palestine as a whole and so providing a stable foundation for an independent State."

153. The latest British proposals were rejected both by the Arab Delegations (which included, at the second part of the London Conference, a Delegation representing the Palestine Arab Higher Executive); and by the Jewish Agency for Palestine. Thereupon the Mandatory decided to refer the problem to the United Nations.

Reference to the United Nations.

154. This decision was announced to the House of Commons by the Foreign Secretary on the 18th February, 1947. In the course of his speech he said:—

"His Majesty's Government have . . . been faced with an irreconcilable conflict of principles. There are in Palestine about 1,200,000 Arabs and 600,000 Jews. For the Jews, the essential point of principle is the creation of a sovereign Jewish State. For the Arabs, the essential point of principle is to resist to the last the establishment of Jewish sovereignty in any part of Palestine. The discussions of the last month have quite clearly shown that there is no prospect of resolving this conflict by any settlement negotiated between the parties. But if the conflict has to be resolved by an arbitrary decision, that is not a decision which His Majesty's Government are empowered, as Mandatory, to take. His Majesty's Government have of themselves no power, under the terms of the Mandate, to award the country either to the Arabs or to the Jews, or even to partition it between them.

It is in these circumstances that we have decided that we are unable to accept the scheme put forward either by the Arabs or by the Jews, or to impose ourselves a solution of our own. We have, therefore, reached the conclusion that the only course now open to us is to submit the problem to the judgment of the United Nations. We intend to place before them an historical account of the way in which His Majesty's Government have discharged their trust in Palestine over the last twenty-five years. We shall explain that the Mandate has proved to be unworkable in practice, and that the obligations undertaken to the two communities in Palestine have been shown to be irreconcilable. We shall describe the various proposals which have been put forward for dealing with the situation, namely, the Arab Plan, the Zionists' aspirations, so far as we have been able to ascertain them, the proposals of the Anglo-American Committee and the various proposals which we ourselves have put forward. We shall then ask the United Nations to consider our report, and to recommend a settlement of the problem. We do not intend ourselves to recommend any particular solution."

LONDON,
July, 1947.

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 2 enclosures only
 One to C.B.
 One to C.O.

UNITED NATIONS DOCUMENT

The paper attached is an advance copy received by air from New York. It is circulated to the officials whose names are underlined below for advance information only. A copy has gone forward for entry in the Foreign Office. Full circulation will be given when further copies are received by sea.

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- Sir E. Hall-Patch
- Mr. Jebb
- Mr. Troutbeck
- Mr. Beckett
- Mr. Gallop
- Mr. R. B. Stevens
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- Mr. H. Gee
- Mr. Mason
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- Mr. Arculus

E. Dept

- Mr. Fleming (Cabinet Offices)
- Mr. Pimlott (Lord President's Office)
- Mr. G. M. Wilson (Cabinet Offices)
- Mr. C. K. Edmonds (Min. of Health)
- Mr. Shackle (Board of Trade)
- Mr. Field-Robinson (Treasury)
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United Nations

GENERAL
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Nations Unies

ASSEMBLEE
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A/AC.14/8
2 October 1947

ORIGINAL: ENGLISH

AD HOC COMMITTEE ON THE PALESTINIAN QUESTION

COMMUNICATION FROM THE UNITED KINGDOM DELEGATION TO THE UNITED
NATIONS

The following letter has been received from the United Kingdom Delegation
to the United Nations:

United Kingdom Delegation to the
United Nations, New York
18 August 1947

Sir:

I have the honour to forward to Your Excellency herewith a memorandum
by His Majesty's Government in the United Kingdom entitled "Political History
of Palestine under British Administration".

This memorandum constitutes His Majesty's Government's account of their
administration of the League of Nations mandate in Palestine, and is sent to
you in accordance with the undertaking given in my note of 2nd April,* in
which I had the honour to request that the problem of Palestine should be
placed on the Agenda of the General Assembly at its next regular Session.
I shall be grateful, therefore, if you will arrange for this document to be
issued as an Assembly document in connexion with Item 21 of the Provisional
Agenda of the Second Regular Session of the General Assembly, which was
circulated on the 18th July last.

I should call your attention to the fact that this memorandum has already
been made available to the Special Committee on Palestine established by the
Special Session of the General Assembly called at the request of the
United Kingdom Government and which met on April 28th last. His Majesty's
Government thought it advisable that the memorandum be communicated to the
Special Committee since, as I had the honour to inform the Special Assembly,
my Government wished to be entirely at the disposal of the Committee and to
give it all the information that it might require.

I have the honour to be,

Sir,

Your Excellency's obedient Servant,

(Signed) Alexander Cadogan

His Excellency
Monsieur Trygve Lie
Secretary-General
United Nations
Lake Success, N.Y.

NOTE: Only a limited number of copies of the memorandum are available for
distribution and they are attached hereto.

* Document A/286

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PALESTINE

E 6376
18 JUL 1947

Registry Number } *E6376/4957/1*
 FROM *U K Delegation*
 No. *New York*
 Dated *236/3/47*
 Received in Registry } *10 July*
 18

Memorandum on Palestine

Refer to letter of July 2 (E4957/4137/1)
also read part with be notes of discussions
and in view of work put to subject a basket
11/10 sent 100 papers instead of 10, plus
another 100, for which general assembly starts.

Last Paper.
6341

(Minutes.)

C.O. on taking the action requested.

References.

H.B. 21/7

(Print.)

(How disposed of.)

(Action completed.) <i>R 2/7</i>	(Index) <i>[Signature]</i> <i>13/9/48</i>
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Next Paper.
E 6415

Wt 24772/717 17895 10/38 F.O.P.

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1947

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E 6415

18 JUL 1947

Registry Number *E6415/4987/31*

TELEGRAM FROM

No. *M Balfour*

Dated *Washington*

Received in Registry } *3991*

17 July

18 -

Relevant Govt memo on Political.

Rpts to letter (E 4987/4987/31) re publicity for Political Govt memo, copies have been received both one with ERK not seen yet. Publicity has been converted with new York on time schedule proposed in letter 7156 (E 4987).

Last Paper.

6370

(Minutes.)

See E 6422.

References.

Reprint to C.O.

New Dept. P 20

14/3 19/7

(Print.)

(How disposed of.)

8) C.O. (with E 6422/4987/31)

✓ July 19

(Action completed.)

Pr 3/7

(Index)

[Handwritten signature]

Next Paper.

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Cypher/OTP

DEPARTMENTAL NO. 1.

FROM WASHINGTON TO FOREIGN OFFICE.

Mr. Balfour
No. 3991

D. 9.25 p.m. 17th July 1947.
R. 3.50 a.m. 18th July 1947.

17th July 1947.

Repeated to Jerusalem.

V V V

6415
18 JUL 1947

IMMEDIATE.

CONFIDENTIAL.

Eastern Department letter to Chancery of
July 2nd about publicity for Palestine Government
memorandum.

Copies have been received, the bulk of them
being with United Kingdom Delegation New York.
Publicity has been concerted with New York on
time schedule proposed your telegram No. 7156.

[Copy sent to Middle East Secretariat].

1947
SECRET

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Reference:-

FO

371 / 61931

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E

1947

PALESTINE

E. 6422

19 JUL 1947

Registry
Number } E. 6422/4987/31

TELEGRAM FROM

No. 11 K 221

Dated 11/11/47

Received
in Registry } 191518 July
19

Memorandum on Political.

Refer to tel 2160 (E. 4987/4987/31) for copies of mem on Political History received New York. Washington has not received copies, so general release in U.S. impossible. In conversation with Wilson has arranged to release "Memorandum on Political" in both New York and London.

Last Paper.

6415

References.

(Print.)

(How disposed of.)

8/ B.O. (on E. 6415/4987/31)
Early 19.
tel) New York 22.6.
18 July.
Rpd with 7267.
2) C.O. July. 22.6.

(Action
completed.)

R. 28/7

(Index.)

13/9/48

Next Paper.

6592

(Minutes.)

I do not think Washington has any excuse for this confusion. Our letter of the 2nd July distinguished clearly between the two documents, and Washington must have heard of the certain release of the Palestinian Government's memorandum.

However, no harm is done, I think, and I have replied accordingly.

Replied to C.O.

News Dept. to see.
13/9/48

H.B. 19/7

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FO 371 / 61931

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E
E 6422
18 JUL 1947

En Clair

DEPARTMENTAL No. 1

FROM NEW YORK TO FOREIGN OFFICE

(From Permanent United Kingdom Representative to the United Nations)

No. 1913 D. 12. 50 p.m. 18th July, 1947.

18th July, 1947. R. 7. 01 p.m. 18th July, 1947.

Repeated to Jerusalem
Washington

2 2 2 2

MOST IMMEDIATE

Your telegram No. 2160.

Palestine memorandum.

Ten copies only of memorandum on political history received New York this morning. They were despatched July 10th and are assumed to be documents subject of your telegram under reference.

2. Washington has not received copies so far, so general release in United States is impossible.

3. In conjunction with Washington we have however arranged to release "memorandum on the administration of Palestine" also published at Jerusalem, which we have not received direct, but copies of which are now available in quantity at B.I.S. here and in Washington.

4. Washington had assumed that "administration" memorandum which they had just received was the document referred to in your telegram under reference. It will in any event be the only document released generally in Washington and New York today.

JUL 19 1947
19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

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Reference:-
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371 / 61931

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3149 Wt. 26469/137 100m 9/46 (51) F.&S. NOTHING TO BE WRITTEN IN THIS MARGIN.

Registry No.

Top Secret.
Secret.
Confidential.
Restricted.
Open.

Draft.

UK Del. New York

Telegram.

No. 2210

(Date) July 18

Repeat to:-

Washington
7267 (Immediati)
Jerusalem

En Clair.

Code.

Cypher.

Distribution:-

Dphl. no. 1

Copies to:-

C.P.

180

F.O.,

OUT FILE

194

Despatched

M.

Immediati

Your telegram no. 1913
[Palestine] I approve your action in
giving publicity to the Palestine
Government's memorandum.

2. In view of the fact that
this has been done simultaneously
with the release here and in
Jerusalem of H.M.G.'s memorandum,
do your best to
I hope you will ensure that
the two documents are not
confused by the American press.

H.B. 1072

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Reference:-

FO 371 / 61931

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181

OUT FILE

En Clair

DEPARTMENTAL No. 1

FROM FOREIGN OFFICE TO NEW YORK

(To Permanent United Kingdom Representative to the United Nations)

No. 2210

D. 9.30 p.m. 18th July, 1947

18th July, 1947

Repeated to Washington No. 7267 Immediate
Jerusalem

u u u u u

IMMEDIATE

Your telegram No. 1913 [Palestine].

I approve your action in giving publicity to the Palestine Government's memorandum.

2. In view of the fact that this has been done simultaneously with the release here and in Jerusalem of His Majesty's Government's memorandum, I hope you will do your best to ensure that the two documents are not confused by the American press.

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Reference:-

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61931

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E

182

1947

6592

PALESTINE

23 JUL 1947

Registry Number } 6592/4987/31

TELEGRAM FROM

No. Sin A. Cadogan. New York.

Dated 1932.

Received in Registry } 21 July 23

Administration of Palestine under the Mandate.

Ref F.O. Tel 1947 Saw (E5401/4987/31). Secretariat are making every effort to enable report of Special Committee to be read in time to be considered by General Assembly.

Last Paper.

66422.

(Minutes.)

References.

by C.O. (R.A.) Depo. 29.7.

24.7/7

(Print.)

(How disposed of.)

by C.O. July 25

(Action completed.)

14/30/47

(Index.)

13/9/48

Next Paper.

7208

32003 F.O.P.

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Reference: FO 371 / 61931

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6592

Cypher/OTP

DEPARTMENTAL NO. 2.

23 JUL 1947

FROM NEW YORK TO FOREIGN OFFICE

(From Permanent United Kingdom Representative to the United Nations)

No. 1932. D. 11.25 a.m. July 21st, 1947.
July 21st, 1947. R. 7. 0 p.m. July 21st, 1947.

Repeated to Jerusalem

JJJ

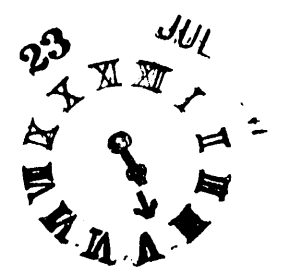
Your telegram No. 194 Saving: Palestine.

As you surmise any fears I may have expressed regarding likelihood of delay in consideration of Palestine question by Assembly were based on doubts whether Special Committee's report would be ready in time.

2. In this connexion I have made enquiries of Secretariat (Cordier) and understand that they for their part are doing everything possible in the way of providing adequate staff, etc. to enable report of Special Committee to be read in time to be considered at early stage in proceedings of General Assembly. On provisional agenda of Assembly which will be circulated to members, United Kingdom note of April 1st, report of Special Committee and Saudi Arabian-Iraqi proposal for the termination of the mandate appear as items 21, 22 and 23 respectively. It will of course be for General Committee to decide which Committees should deal with these items and Committees can presumably decide on the order in which they do their work. Cordier himself has expressed personal view that Palestine question might be dealt with, at any rate in the first instance, by Committee 4, particularly in view of probability that agenda of Committee 1 will be very heavy.

Foreign Office please pass to Jerusalem as my telegram No. 60.

[Copies sent to Colonial Office for repetition to Jerusalem.]



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E 7208

1947

PALESTINE

AUG 1947

Registry
Number

E7208/4987/31

FROM

Troppend Smith

No.

Political

Dated

office.

Received
in Registry

7 Aug 1947

8

Political History of Palestine
 60 tel 1722 of Aug 1. Oberg 1/10 of
 -has will be any difficulty in meeting
 suitable request for a further 1000 copies
 of H.M.G. Memorandum by Secretary
 General at New York.

Last Paper.

65-92

(Minutes.)

References.

In P.P. Palestine tel 1494 4/8.

H.B. 8/8

(Print.)

(How disposed of.)

(Action
completed.)

G. L. 9/8

(Index.)

13/9/48

Next Paper.

E 7245

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1	2	3	4	5	6

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Reference:-

FO 371 / 61931

OUTWARD TELEGRAM

CODE

From S. OF S., COLONIES.
To HIGH COMMISSIONER, PALESTINE.

D. 1.8.47 1615 hrs.

No. 1722.

It may be necessary to make available a further 1000 copies of H.M.G.'s Memorandum presented to U.N.S.C.O.P. ("Political History of Palestine under British Administration") to Secretary-General at New York by the beginning of September. Cost would be met by United Nations.

Please telegraph whether, if this request materializes, there will be any difficulty in meeting it.

SECR.

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FO 371 / 61931

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INWARD TELEGRAM

Code

FROM PALESTINE (Gen. Sir A.
Cunningham)

TO S. OF S., COLONIES.

D. 4th August, 1947.
R. 4th " " 20.45 hrs.

No. 1494.

Your telegram No. 1722.

Political History of
Palestine under British
Administration.

No difficulty.

Copies could be run off
in about one week, cost about
50 mils each.

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/ 61931

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1947

E 7245

AUG 1947

Registry
Number

FROM

No.

Dated

Received
in Registry

E 7245 / 495 / 21.
 Crofted Smith
 H. B. Bealey
 7/5 5/2/1947
 4/9/47.

Legal Position under Mandate
 Paper submitted by H. B. Bealey
 to the Committee on Legal Questions under
 the Mandate. Some slides prepared
 and now give summary of findings.

Last Paper.

7208

References.

(Print.)

(How disposed of.)

Mr. Crofted Smith
 80.

Aug 23 00.

(Action
completed.)

(Index)

H. B. Bealey
 13/9/48

H. B. Bealey
 13/9/48

Next Paper.

8093

(Minutes.)

I drew the C.O.'s attention to the
 paragraph under discussion because:

- (i) I have always understood that good
 authorities on the legal aspect of mandates
 rejected the theory that they constituted
 contracts between the mandatory and
 the Principal Allied Powers; and
- (ii) this doctrine would also seem to be
 inconvenient from a practical point
 of view.

Much of the C.O. letter is irrelevant
 to this question, but I think it is on this
 that they want our views.

Mr. Evans }
 v.r. (Col. Dept.) } for any ds.
 R. 16.8

H. B. Bealey 13/9

I agree in general with the Colonial Office statement
 of the legal position. The mandate is not, in my opinion,
 a covenant between H.M. and the Principal Allied Powers.

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I should say that it is simply an instrument made in accordance with Article 22 (8) of the Covenant of the League of Nations and by which the Council of the League defined the degree of authority, control or administration to be exercised by the Mandatory. The Principal Allied Powers selected H D as Mandatory and H D accepted the mandate but I do not think that these facts make H D and the Principal Allied Powers parties to an agreement embodying all the terms of the mandate and the only agreement of such regarding the mandate, which H D entered into with the Allies generally was the League Covenant itself, Article 22 of which imposed on H D the obligation to observe the terms of the mandate defined by the Council but made H D responsible to the League for the administration of the mandate.

If the mandate was in the nature of an agreement between H D and the Principal Allied Powers then I think that those of the Principal Allied Powers at least who are not at war with H D might regard it as still in force between them and H D and claim embarrassingly extensive rights to interfere in the administration of Palestine. The point is therefore fundamental and if there is a danger of the Committee adopting the misstatement in their report and thereby giving it some sort of authority I think it might be as well to correct it.

It is I suppose desirable to amend the Govt. of Palestine memorandum as little as possible & think the whole of the sub-paragraph in question could have been better expressed I think the correction suggested by the C.O. would be adequate. Presumably a brief explanation of why the ~~correction~~ statement at present contained in the memorandum is considered to be wrong would also be given to the Committee.

W. G. Evans
16 August 1947. / J. L. H.

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Nothing to be Written in this Margin.

Minutes.

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Letter to C.O.

H.B. 19/8

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which could no doubt be argued at length. What matters is that things go on as if it were, at least so far as concerns the status of H.M.G. as the administering power and the rights of other states such as those of the U.S.A. under the 1924 Convention.

Politically, we are committed by our statement at the League of Nations final session and by the League resolution of the 18th April 1946 (a) to administer Palestine "in accordance with the general principles of the mandate" and (b) to continue to do this "until other arrangements have been agreed on between H.M.G. and the United Nations".

The tenor of our legal advice is this. It is undoubtedly right that the Palestine Order-in-Council cannot be challenged in the local Courts on the ground that it is inconsistent with the Mandate. The principle is well established that Municipal Law cannot, in the absence of provision to the contrary, be challenged on the ground that it is contrary to international agreement. Palestine Ordinances can be held invalid if they are repugnant to the Mandate but this is only because the Order-in-Council itself so provides.

The statement that the provisions of the Mandate constitute a covenant between H.M. and the Principal Allied Powers seems to be incorrect. It does not seem to matter very much that the Mandate is referred to as a "Covenant". Whether it be referred to as a "Treaty", an "Agreement", a "Covenant", or an "International Instrument" appears immaterial. The important point is that we can hardly deny that it is an Instrument creating international obligations for H.M.G. The statement in the Palestine

/Government's

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/ 61931

Registry
No. E. 7245/4987/31

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Draft.

Mr. Trafford Smith,
Colonial Office.

NOTHING TO BE WRITTEN IN THIS MARGIN.

3148 Wt. 26469/137 100m 9/46 (51) F.&S.

23
19th August, 1947.
215
193 A
OUT FILE

My dear Trafford,

May I refer you to your letter No. 75872/154 of the 7th August, about the passage in chapter 2 of the "Supplementary Memorandum by the Government of Palestine," dealing with the ~~principal~~ ^{present} status of the Palestine Mandate.

Our Legal Advisers are in general agreement with your statement of the legal position. In their opinion the Mandate is not an agreement between H.M. Government and the Principal Allied Powers, but is simply an instrument made in accordance with Article 22(8) of the Covenant of the League of Nations and by which the Council of the League defined the degree of authority, control or administration to be exercised by the Mandatory. The Principal Allied Powers selected H.M. Government as the Mandatory and H.M. Government accepted the Mandate, but these facts did not make H.M. Government and the Principal Allied Powers parties to an agreement embodying all the terms of the Mandate. The only agreement as such, regarding the Mandate, which H.M. Government entered into with the Allies generally, was the League ~~Covenant~~ ^{Commitment} itself, Article 22 of which imposed on H.M. Government the obligation to observe the terms of the Mandate as defined by the Council and made H.M. Government responsible to the League for the administration of the Mandate.

If the Mandate ~~were~~ ^{were} in fact in the nature of an agreement between H.M. Government and the Principal Allied Powers, then those ~~of~~ ^{at least} of the Principal Allied Powers who are not at war with H.M. Government might regard it as still in force between them and H.M. Government and might consequently/embarrassingly/ ~~the~~ extensive rights to interfere/

Mr. Eyans first
WDE
20/8

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interfere in the administration of Palestine.
The point is therefore fundamental and, if there is any danger that the United Nations Committee may adopt the ~~last~~ misstatement in ^{their} ~~your~~ report and thereby give it some sort of authority, a correction should be made without delay. // Although the whole of the sub-paragraphs in question might be better expressed, it is presumably desirable that the "Supplementary Memorandum" should be amended as little as possible, and the wording suggested in the last paragraph but one of your letter appears to meet the case. I suppose that the Committee would also be given a brief explanation of why the statement at present contained in the Memorandum is considered to be misleading.

H.B. 19/8
MM 12/8
Yours sincerely,
(sgd) Peter Dawson.
for Harold Beeley

1944
//N.P.

NOTHING TO BE WRITTEN IN THIS MARGIN.

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Government's Memorandum does, however, appear to be inaccurate in its reference to the Principal Allied Powers. It is difficult to say in what category the mandate should be placed, but assuming that it constitutes some sort of agreement, or to use the words in the statement "a covenant", it is by no means clear who were the parties. It was the Principal Allied Powers who selected H.M. as the Mandatory, but the terms of the Mandate were determined by the Council of the League of Nations and the Mandate is expressed to be exercised on behalf of the League. (See the preamble generally). The Principal Allied Powers as such appear to have had no hand in the drafting of the document. The conclusion therefore, would appear to be that if the Mandate is some sort of agreement then the parties were H.M. and the League of Nations.

We here are in considerable doubt whether it may not be wise to leave the offending passage alone, unless there are concrete reasons for thinking that the mis-statement is going to prove embarrassing. To correct it now would bring the difficult question of the legal position under the Mandate into undesirable prominence, and might give rise to all sorts of unprofitable arguments. On the other hand the Committee are known to be interested in this sort of question and may therefore mention

/the point

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FOREIGN OFFICE, S.W.1.

(E 7245/4987/31).

23rd August, 1947.

My dear Trafford,

May I refer you to your letter No. 75872/154 of the 7th August, about the passage in chapter 2 of the "Supplementary Memorandum by the Government of Palestine" dealing with the present status of the Palestine Mandate.

Our Legal Advisers are in general agreement with your statement of the legal position. In their opinion the Mandate is not an agreement between His Majesty's Government and the Principal Allied Powers, but is simply an instrument made in accordance with Article 22(B) of the Covenant of the League of Nations and by which the Council of the League defined the degree of authority, control or administration to be exercised by the Mandatory. The Principal Allied Powers selected His Majesty's Government as the Mandatory and His Majesty's Government accepted the Mandate, but these facts did not make His Majesty's Government and the Principal Allied Powers parties to an agreement embodying all the terms of the Mandate. The only agreement as such, regarding the Mandate, which His Majesty's Government entered into with the Allies generally, was the League Covenant itself, Article 22 of which imposed on His Majesty's Government the obligation to observe the terms of the Mandate as defined by the Council and made His Majesty's Government responsible to the League for the administration of the Mandate.

If the Mandate were in fact in the nature of an agreement between His Majesty's Government and the Principal

/Allied

Trafford Smith, Esq.,
Colonial Office.

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Reference:-
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371 / 61931

Allied Powers, than those at least of the Principal Allied Powers who are not at war with His Majesty's Government might regard it as still in force between them and His Majesty's Government and might consequently claim embarrassingly extensive rights to interfere in the administration of Palestine. The point is therefore fundamental and, if there is any danger that the United Nations Committee may adopt the misstatement in their report and thereby give it some sort of authority, a correction should be made without delay.

Although the whole of the sub-paragraphs in question might be better expressed, it is presumably desirable that the "Supplementary Memorandum" should be amended as little as possible, and the wording suggested in the last paragraph but one of your letter appears to meet the case. I suppose that the Committee would also be given a brief explanation of why the statement at present contained in the Memorandum is considered to be misleading.

Yours sincerely,
 (E.G.) Peter Garrow
 for Harold Stealy

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Top
OUTWARD TELEGRAM. MOST SECRET

*Entered
199*
H

75872/154/10/47
Cypher (O.T.P.)

INDEXED

TO PALESTINE (General Sir A. Cunningham)

FROM S. OF S., COLONIES.

Sent 28th August, 1947. 07.00 hrs.

IMMEDIATE

No.1968 Top Secret.

Supplementary memorandum by the Government of Palestine presented to UNSCOP July 47.

Paragraph 3 of Chapter 2 has come under examination here and the view has been expressed by both Colonial Office and Foreign Office legal advisers that statement that Mandate constituted a covenant between H.M. and the Principal Allied Powers is incorrect. The exact status of mandated territories in international law has never been authoritatively determined but H.M.G. has always specifically declined to accept the contention, at one time very popular with the United States of America, that the Palestine Mandate constituted a covenant between the Mandatory and the Allied and Associated Powers. In their opinion the Mandate is not an agreement or covenant between H.M.G. and the Principal Allied Powers but is simply an instrument made in accordance with Article 22(8) of the Covenant of the League of Nations by which the Council of the League defined the degree of authority, control or administration to be exercised by the Mandatory. The principal Allied Powers selected H.M.G. as the Mandatory for Palestine and H.M.G. accepted the Mandate, but these facts did not make H.M.G. and the Principal Allied Powers parties to an agreement embodying the terms of the Mandate. The only agreement as such, regarding the Mandate, which H.M.G. entered into with the Allies generally, was the League Covenant itself, Article 22 of which imposed on H.M.G. the obligation to observe the terms of the Mandate as defined by the Council and made H.M.G. responsible to the League for the administration of the Mandate. If the Mandate were in fact in the nature of an agreement between H.M.G. and the Principal Allied Powers, then those at least of the Principal Allied Powers who are not at war with H.M.G. might regard it as still in force between them and H.M.G., and might consequently claim embarrassingly extensive rights to interfere in the administration of Palestine. If there is any danger that UNSCOP may adopt this doctrine in their report, and in view of the numbers of jurists on the Committee this is not improbable, a correction to the Palestine Government's memorandum should be made without delay.

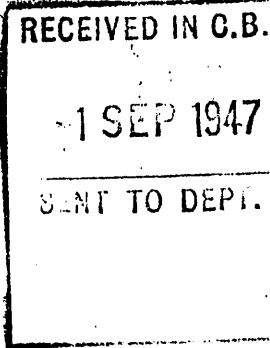
2. It is suggested that MacGillivray be authorised to inform the Committee that the Palestine Government wishes to amend paragraph 3 of Chapter 2 of the Supplementary Memorandum as follows:

(a) Sub-paragraph 5 begin: "The Mandate constituted an international instrument involving obligations in the/

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371 / 61931

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End 200

the international field, but, like the provisions of any treaty or convention, it would not in itself be a law capable of enforcement by the Courts".

(b) Sub-paragraph 5, line 14, amend to: "Mandate, representations would no doubt have been made by the interested Powers through either the diplomatic channel or the League of Nations".

3. In submitting this amendment, MacGillivray might explain that it is necessary since H.M.G. in the U.K. have never accepted the doctrine that the Mandate constitutes an agreement or covenant between His Majesty and the Principal Allied and Associated Powers.

4. The abandonment of this doctrine does not, of course, invalidate the judgment of the Palestine Courts, in which it is understood to have recently been incorporated, since it is a well-established principle that Municipal law cannot be challenged on the grounds that it is contrary to international agreement.

5. This telegram is being repeated to MacGillivray at Geneva, to whom it is requested your reply be also repeated, as it is desirable that the amendment be made at the earliest possible moment.

(Copies sent to Foreign Office for repetition to U.K. Delegation, Geneva for MacGillivray).

Distributed to:-

MS.25
Secretary of State
Sir T. Lloyd
Mr. I. Thomas
Sir S. Caine
Sir C. Jeffries
Mr. Holding
Mr. Martin
Mr. Trafford Smith
Mr. Cutch
Mr. Mathieson
Mr. Higham
Mr. Bennett
Mr. Roberts-Wray

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371 / 61931

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